

109TH CONGRESS
1ST SESSION

H. R.

To enact title 51, United States Code, “National and Commercial Space Programs”, as positive law.

IN THE HOUSE OF REPRESENTATIVES

, 2005

Mr. SENSENBRENNER (for himself and Mr. CONYERS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To enact title 51, United States Code, “National and Commercial Space Programs”, as positive law.

1 *Be it enacted by the Senate and House of Representatives of the United*
2 *States of America in Congress assembled,*

3 **SECTION 1. TABLE OF CONTENTS.**

4 The table of contents for this Act is as follows:

- Sec. 1. Table of contents.
- Sec. 2. Purpose; conformity with original intent.
- Sec. 3. Enactment of title 51.
- Sec. 4. Conforming amendments to other laws.
- Sec. 5. Transitional and savings provisions.
- Sec. 6. Repeals.

5 **SEC. 2. PURPOSE; CONFORMITY WITH ORIGINAL INTENT.**

6 (a) PURPOSE.—The purpose of this Act is to codify certain existing laws
7 related to national and commercial space programs as a positive law title
8 of the United States Code.

9 (b) CONFORMITY WITH ORIGINAL INTENT.—In the codification of laws
10 by this Act, the intent is to conform to the understood policy, intent, and
11 purpose of the Congress in the original enactments, with such amendments
12 and corrections as will remove ambiguities, contradictions, and other imper-

fections, in accordance with section 205(c)(1) of House Resolution No. 988,
93d Congress, as enacted into law by Public Law 93–554 (2 U.S.C.
285b(1)).

SECTION 3. ENACTMENT OF TITLE 51, UNITED STATES CODE.

Title 51, United States Code, “National and Commercial Space Pro-
grams”, is enacted as follows:

TITLE 51—NATIONAL AND COMMERCIAL SPACE PROGRAMS

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3. National Aeronautics and Space Program [42 U.S.C. 2451 et seq.]	301
5. Adjunct National Space Program Provisions [selected independent provisions from annual NASA authorization bills]	501
7. National Space Grant College and Fellowship Program [42 U.S.C. 2486 et seq.]	701
9. Biomedical Research in Space [42 U.S.C. 2487 et seq.]	901
11. Land Remote Sensing Policy [15 U.S.C. 5601 et seq.]	1101
13. Commercial Space Opportunities and Transportation Services [42 U.S.C. 14701 et seq.]	1301
15. Commercial Space Competitiveness [15 U.S.C. 5801 et seq.] ...	1501

CHAPTER 1—DEFINITIONS

Sec.
101. Definitions.

§ 101. Definitions

In this title:

(1) **ADMINISTRATION.**—The term “Administration” means the National Aeronautics and Space Administration.

(2) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the National Aeronautics and Space Administration.

SECTION 101

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101	(no source)	

CHAPTER 3—NATIONAL AERONAUTICS AND SPACE PROGRAM

SUBCHAPTER I—SHORT TITLE, DECLARATION OF POLICY, AND DEFINITIONS

- Sec.
301. Short title. [2451 note]
302. Congressional declaration of policy and purpose. [2451]
303. Definitions. [2452]

SUBCHAPTER II—COORDINATION OF AERONAUTICAL AND SPACE ACTIVITIES

311. Administration. [2472]
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313. International cooperation. [2475]
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SUBCHAPTER III—GENERAL ADMINISTRATIVE PROVISIONS

331. Access to information. [2454]

361. Congressional declaration of purpose and policy. [2481]
362. Definition of “upper atmosphere”. [2482]
363. Program authorized. [2483]
364. International cooperation. [2484]

3 **§ 301. Short title**

SECTION 301

6 **§ 302. Congressional declaration of policy and purpose**

(b) AERONAUTICAL AND SPACE ACTIVITIES FOR WELFARE AND SECURITY OF UNITED STATES.—The Congress declares that the general welfare and security of the United States require that adequate provision be made for aeronautical and space activities. The Congress further declares that such activities shall be the responsibility of, and shall be directed by, a civilian agency exercising control over aeronautical and space activities sponsored by the United States, except that activities peculiar to or primarily associated with the development of weapons systems, military operations, or the defense of the United States (including the research and development necessary to make effective provision for the defense of the United States) shall be the responsibility of, and shall be directed by, the Department of Defense; and that determination as to which agency has responsibility for and direction of any such activity shall be made by the President.

(c) COMMERCIAL USE OF SPACE.—The Congress declares that the general welfare of the United States requires that the Administration (as established by subchapter II) seek and encourage, to the maximum extent possible, the fullest commercial use of space.

(d) OBJECTIVES OF AERONAUTICAL AND SPACE ACTIVITIES.—The aeronautical and space activities of the United States shall be conducted so as to contribute materially to one or more of the following objectives:

(1) The expansion of human knowledge of the Earth and of phenomena in the atmosphere and space.

(2) The improvement of the usefulness, performance, speed, safety, and efficiency of aeronautical and space vehicles.

(3) The development and operation of vehicles capable of carrying instruments, equipment, supplies, and living organisms through space.

(4) The establishment of long-range studies of the potential benefits to be gained from, the opportunities for, and the problems involved in the utilization of aeronautical and space activities for peaceful and scientific purposes.

(5) The preservation of the role of the United States as a leader in aeronautical and space science and technology and in the application thereof to the conduct of peaceful activities within and outside the atmosphere.

(6) The making available to agencies directly concerned with national defense of discoveries that have military value or significance, and the furnishing by such agencies, to the civilian agency established to direct and control nonmilitary aeronautical and space activities, of information as to discoveries which have value or significance to that agency.

(7) Cooperation by the United States with other nations and groups of nations in work done pursuant to this chapter and in the peaceful application of the results thereof.

(8) The most effective utilization of the scientific and engineering resources of the United States, with close cooperation among all interested agencies of the United States in order to avoid unnecessary duplication of effort, facilities, and equipment.

(9) The preservation of the United States preeminent position in aeronautics and space through research and technology development related to associated manufacturing processes.

(e) GROUND PROPULSION SYSTEMS RESEARCH AND DEVELOPMENT.—The Congress declares that the general welfare of the United States requires that the unique competence in scientific and engineering systems of the Administration also be directed toward ground propulsion systems research and development. Such development shall be conducted so as to con-

1 tribute to the objectives of developing energy and petroleum-conserving
 2 ground propulsion systems, and of minimizing the environmental degrada-
 3 tion caused by such systems.

4 (f) BIOENGINEERING RESEARCH, DEVELOPMENT, AND DEMONSTRATION
 5 PROGRAMS.—The Congress declares that the general welfare of the United
 6 States requires that the unique competence of the Administration in science
 7 and engineering systems be directed to assisting in bioengineering research,
 8 development, and demonstration programs designed to alleviate and mini-
 9 mize the effects of disability.

10 (g) PURPOSE OF CHAPTER.—It is the purpose of this chapter to carry
 11 out and effectuate the policies declared in subsections (a), (b), (c), (d), (e),
 12 and (f).

SECTION 302

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302	42:2451.	Pub. L. 85-568, title I, § 102, July 29, 1958, 72 Stat. 426; Pub. L. 94-413, § 15(a), (b), Sept. 17, 1976, 90 Stat. 1270; Pub. L. 95-238, title III, § 311, Feb. 25, 1978, 92 Stat. 83; Pub. L. 95-401, § 7, Sept. 30, 1978, 92 Stat. 860; Pub. L. 98-361, title I, § 110, July 16, 1984, 98 Stat. 426; Pub. L. 100-685, title II, § 214, Nov. 17, 1988, 102 Stat. 4093; Pub. L. 106-391, title III, § 302(a), Oct. 30, 2000, 114 Stat. 1591.

In subsection (b), the words “in conformity with section 201(e)”, which appeared at the end of subsection (b), are omitted as obsolete. Section 201 of Public Law 85-568, as amended, which was classified to former section 2471 of title 42 (last appearing in the 1970 edition of the Code), established the National Aeronautics and Space Council, with the functions of the Council specified in section 201(e). Those functions included advising the President “as he may request” with respect to promoting cooperation and resolving differences among agencies of the United States engaged in aeronautical and space activities. The words are obsolete because section 3(a)(4) of Reorganization Plan No. 1 of 1973, set out in the Appendix to title 5, abolished the National Aeronautics and Space Council, including the office of Executive Secretary of the Council, together with its functions.

In subsection (d), the word “and”, appearing at the end of paragraph (8), is omitted as unnecessary because of the introductory words “one or more of the following”.

13 § 303. Definitions

14 In this chapter:

15 (1) AERONAUTICAL AND SPACE ACTIVITIES.—The term “aero-
 16 nautical and space activities” means—

17 (A) research into, and the solution of, problems of flight within
 18 and outside the Earth’s atmosphere;

19 (B) the development, construction, testing, and operation for re-
 20 search purposes of aeronautical and space vehicles;

(C) the operation of a space transportation system including the space shuttle, upper stages, space platforms, and related equipment; and

(D) such other activities as may be required for the exploration of space.

(2) AERONAUTICAL AND SPACE VEHICLES.—The term “aeronautical and space vehicles” means aircraft, missiles, satellites, and other space vehicles, manned and unmanned, together with related equipment, devices, components, and parts.

SECTION 303

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
303	42:2452.	Pub. L. 85–568, title I, § 103, July 29, 1958, 72 Stat. 427; Pub. L. 98–52, title I, § 108, July 15, 1983, 97 Stat. 285.

In paragraph (1)(A), the word “Earth’s” is capitalized for consistency in title 51.

SUBCHAPTER II—COORDINATION OF AERONAUTICAL AND SPACE ACTIVITIES

§ 311. Administration

(a) ESTABLISHMENT AND APPOINTMENT OF ADMINISTRATOR.—There is established the National Aeronautics and Space Administration. The Administration shall be headed by an Administrator, who shall be appointed from civilian life by the President by and with the advice and consent of the Senate. Under the supervision and direction of the President, the Administrator shall be responsible for the exercise of all powers and the discharge of all duties of the Administration and shall have authority and control over all personnel and activities thereof.

(b) DEPUTY ADMINISTRATOR.—There shall be in the Administration a Deputy Administrator, who shall be appointed from civilian life by the President by and with the advice and consent of the Senate and shall perform such duties and exercise such powers as the Administrator may prescribe. The Deputy Administrator shall act for, and exercise the powers of, the Administrator during the Administrator’s absence or disability.

(c) RESTRICTION ON OTHER BUSINESS OR EMPLOYMENT.—The Administrator and the Deputy Administrator shall not engage in any other business, vocation, or employment while serving as such.

SECTION 311

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
311	42:2472.	Pub. L. 85–568, title II, § 202, July 29, 1958, 72 Stat. 429; Pub. L. 88–426, title III, § 305(12), Aug. 14, 1964, 78 Stat. 423.

1 **§ 312. Functions of Administration**

2 (a) PLANNING, DIRECTING AND CONDUCTING AERONAUTICAL AND
3 SPACE ACTIVITIES.—The Administration, in order to carry out the purpose
4 of this chapter, shall—

5 (1) plan, direct, and conduct aeronautical and space activities;

6 (2) arrange for participation by the scientific community in planning
7 scientific measurements and observations to be made through use of
8 aeronautical and space vehicles, and conduct or arrange for the conduct
9 of such measurements and observations;

10 (3) provide for the widest practicable and appropriate dissemination
11 of information concerning its activities and the results thereof;

12 (4) seek and encourage, to the maximum extent possible, the fullest
13 commercial use of space; and

14 (5) encourage and provide for Federal Government use of commer-
15 cially provided space services and hardware, consistent with the re-
16 quirements of the Federal Government.

17 (b) RESEARCH AND DEVELOPMENT IN CERTAIN TECHNOLOGIES.—

18 (1) GROUND PROPULSION TECHNOLOGIES.—The Administration
19 shall, to the extent of appropriated funds, initiate, support, and carry
20 out such research, development, demonstration, and other related ac-
21 tivities in ground propulsion technologies as are provided for in sections
22 4 to 10 of the Electric and Hybrid Vehicle Research, Development, and
23 Demonstration Act of 1976 (15 U.S.C. 2503 to 2509).

24 (2) SOLAR HEATING AND COOLING TECHNOLOGIES.—The Adminis-
25 tration shall initiate, support, and carry out such research, develop-
26 ment, demonstrations, and other related activities in solar heating and
27 cooling technologies (to the extent that funds are appropriated there-
28 for) as are provided for in sections 5, 6, and 9 of the Solar Heating
29 and Cooling Demonstration Act of 1974 (42 U.S.C. 5503, 5504, and
30 5507).

31 (c) POWERS OF ADMINISTRATION IN PERFORMANCE OF FUNCTIONS.—In
32 the performance of its functions the Administration is authorized—

33 (1) to make, promulgate, issue, rescind, and amend rules and regula-
34 tions governing the manner of its operations and the exercise of the
35 powers vested in it by law;

36 (2) to appoint and fix the compensation of such officers and employ-
37 ees as may be necessary to carry out such functions. Such officers and
38 employees shall be appointed in accordance with the civil-service laws
39 and their compensation fixed in accordance with chapter 51 and sub-
40 chapter III of chapter 53 of title 5, except that (A) to the extent the

Administrator deems such action necessary to the discharge of the Administrator's responsibilities, the Administrator may appoint not more than four hundred and twenty-five of the scientific, engineering, and administrative personnel of the Administration without regard to such laws, and may fix the compensation of such personnel not in excess of the rate of basic pay payable for level III of the Executive Schedule, and (B) to the extent the Administrator deems such action necessary to recruit specially qualified scientific and engineering talent, the Administrator may establish the entrance grade for scientific and engineering personnel without previous service in the Federal Government at a level up to two grades higher than the grade provided for such personnel under the General Schedule, and fix their compensation accordingly;

(3) to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain laboratories, research and testing sites and facilities, aeronautical and space vehicles, quarters and related accommodations for employees and dependents of employees of the Administration, and such other real and personal property (including patents), or any interest therein, as the Administration deems necessary within and outside the continental United States; to acquire by lease or otherwise, through the Administrator of General Services, buildings or parts of buildings in the District of Columbia for the use of the Administration for a period not to exceed ten years without regard to section 8141 of title 40; to lease to others such real and personal property; to sell and otherwise dispose of real and personal property (including patents and rights thereunder) in accordance with the provisions of chapters 1 to 11 of title 40 and in accordance with title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.); and to provide by contract or otherwise for cafeterias and other necessary facilities for the welfare of employees of the Administration at its installations and purchase and maintain equipment therefor;

(4) to accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible;

(5) without regard to section 3324(a) and (b) of title 31, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its work and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, Territory, or possession, or with any political subdivision thereof, or with any person, firm, association, corporation, or educational institution. To the maximum

1 extent practicable and consistent with the accomplishment of the pur-
2 pose of this chapter, such contracts, leases, agreements, and other
3 transactions shall be allocated by the Administrator in a manner which
4 will enable small-business concerns to participate equitably and propor-
5 tionately in the conduct of the work of the Administration;

6 (6) to use, with their consent, the services, equipment, personnel,
7 and facilities of Federal and other agencies with or without reimburse-
8 ment, and on a similar basis to cooperate with other public and private
9 agencies and instrumentalities in the use of services, equipment, and
10 facilities. Each department and agency of the Federal Government
11 shall cooperate fully with the Administration in making its services,
12 equipment, personnel, and facilities available to the Administration,
13 and any such department or agency is authorized, notwithstanding any
14 other provision of law, to transfer to or to receive from the Administra-
15 tion, without reimbursement, aeronautical and space vehicles, and sup-
16 plies and equipment other than administrative supplies or equipment;

17 (7) to appoint such advisory committees as may be appropriate for
18 purposes of consultation and advice to the Administration in the per-
19 formance of its functions;

20 (8) to establish within the Administration such offices and proce-
21 dures as may be appropriate to provide for the greatest possible coordi-
22 nation of its activities under this chapter with related scientific and
23 other activities being carried on by other public and private agencies
24 and organizations;

25 (9) to obtain services as authorized by section 3109 of title 5, but
26 at rates for individuals not to exceed the per diem rate equivalent to
27 the maximum rate payable under section 5376 of title 5;

28 (10) when determined by the Administrator to be necessary, and
29 subject to such security investigations as the Administrator may deter-
30 mine to be appropriate, to employ aliens without regard to statutory
31 provisions prohibiting payment of compensation to aliens;

32 (11) to provide by concession, without regard to section 1302 of title
33 40, on such terms as the Administrator may deem to be appropriate
34 and to be necessary to protect the concessioner against loss of the con-
35 cessioner's investment in property (but not anticipated profits) result-
36 ing from the Administration's discretionary acts and decisions, for the
37 construction, maintenance, and operation of all manner of facilities and
38 equipment for visitors to the several installations of the Administration
39 and, in connection therewith, to provide services incident to the dis-
40 semination of information concerning its activities to such visitors,
41 without charge or with a reasonable charge therefor (with this author-

ity being in addition to any other authority which the Administration may have to provide facilities, equipment, and services for visitors to its installations). A concession agreement under this paragraph may be negotiated with any qualified proposer following due consideration of all proposals received after reasonable public notice of the intention to contract. The concessioner shall be afforded a reasonable opportunity to make a profit commensurate with the capital invested and the obligations assumed, and the consideration paid by the concessioner for the concession shall be based on the probable value of such opportunity and not on maximizing revenue to the United States. Each concession agreement shall specify the manner in which the concessioner's records are to be maintained, and shall provide for access to any such records by the Administration and the Comptroller General of the United States for a period of five years after the close of the business year to which such records relate. A concessioner may be accorded a possessory interest, consisting of all incidents of ownership except legal title (which shall vest in the United States), in any structure, fixture, or improvement the concessioner constructs or locates upon land owned by the United States; and, with the approval of the Administration, such possessory interest may be assigned, transferred, encumbered, or relinquished by the concessioner, and, unless otherwise provided by contract, shall not be extinguished by the expiration or other termination of the concession and may not be taken for public use without just compensation;

(12) with the approval of the President, to enter into cooperative agreements under which members of the Army, Navy, Air Force, and Marine Corps may be detailed by the appropriate Secretary for services in the performance of functions under this chapter to the same extent as that to which they might be lawfully assigned in the Department of Defense;

(13)(A) to consider, ascertain, adjust, determine, settle, and pay, on behalf of the United States, in full satisfaction thereof, any claim for \$25,000 or less against the United States for bodily injury, death, or damage to or loss of real or personal property resulting from the conduct of the Administration's functions as specified in subsection (a), where such claim is presented to the Administration in writing within two years after the accident or incident out of which the claim arises; and

(B) if the Administration considers that a claim in excess of \$25,000 is meritorious and would otherwise be covered by this paragraph, to re-

1 port the facts and circumstances thereof to the Congress for its consid-
 2 eration.

SECTION 312

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
312	42:2473.	Pub. L. 85-568, title II, § 203, July 29, 1958, 72 Stat. 429; Pub. L. 86-20, May 13, 1959, 73 Stat. 21; Pub. L. 86-481, § 5, June 1, 1960, 74 Stat. 153; Pub. L. 87-367, title II, § 206(a), Oct. 4, 1961, 75 Stat. 791; Pub. L. 87-584, § 6, Aug. 14, 1962, 76 Stat. 384; Pub. L. 87-793, § 1001(f), Oct. 11, 1962, 76 Stat. 864; Pub. L. 88-426, title III, § 306(d), Aug. 14, 1964, 78 Stat. 429; Pub. L. 88-448, title IV, § 402(a)(34), Aug. 10, 1964, 78 Stat. 495; Pub. L. 91-646, title II, § 220(a)(2), Jan. 2, 1971, 84 Stat. 1903; Pub. L. 93-74, § 6, July 23, 1973, 87 Stat. 174; Pub. L. 93-316, § 6, June 22, 1974, 88 Stat. 243; Pub. L. 93-409, § 4, Sept. 3, 1974, 88 Stat. 1070; Pub. L. 94-413, § 15(c), Sept. 17, 1976, 90 Stat. 1270; Pub. L. 95-401, § 6, Sept. 30, 1978, 92 Stat. 860; Pub. L. 96-48, § 6(a), Aug. 8, 1979, 93 Stat. 348; Pub. L. 101-611, title I, § 107, Nov. 16, 1990, 104 Stat. 3197; Pub. L. 108-201, § 2(a), Feb. 24, 2004, 118 Stat. 461.

In subsection (c)(2), the words “chapter 51 and subchapter III of chapter 53 of title 5” are substituted for “the Classification Act of 1949, as amended” on authority of section 7(b) of Public Law 89-554 (80 Stat. 631), the first section of which enacted Title 5, Government Organization and Employees.

In subsection (c)(3), the words “section 8141 of title 40” are substituted for “the Act of March 3, 1877 (40 U.S.C. 34)” and the words “in accordance with the provisions of chapters 1 to 11 of title 40 and in accordance with title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” are substituted for “in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.)” on authority of section 5(c) of Public Law 107-217 (116 Stat. 1303), the first section of which enacted Title 40, Public Buildings, Property, and Works.

In subsection (c)(5), the words “section 3324(a) and (b) of title 31” are substituted for “section 3648 of the Revised Statutes, as amended (31 U.S.C. 529)” on authority of section 4(b) of Public Law 97-258 (96 Stat. 1067), the first section of which enacted Title 31, Money and Finance.

In subsection (c)(9), the words “maximum rate payable under section 5376 of title 5” are substituted for “rate for GS-18” because of section 101(c) of the Federal Employees Pay Comparability Act of 1990 (Public Law 101-509, 5 U.S.C. 5376 note).

In subsection (c)(11), the words “section 1302 of title 40” are substituted for “section 321 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 303b)” on authority of section 5(c) of Public Law 107-217 (116 Stat. 1303), the first section of which enacted Title 40, Public Buildings, Property, and Works.

3 § 313. International cooperation

4 The Administration, under the foreign policy guidance of the President,
 5 may engage in a program of international cooperation in work done pursu-
 6 ant to this chapter, and in the peaceful application of the results thereof,
 7 pursuant to agreements made by the President with the advice and consent
 8 of the Senate.

SECTION 313

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
313	42:2475.	Pub. L. 85-568, title II, § 205, July 29, 1958, 72 Stat. 432.

1 **§ 314. Reports to Congress**

2 (a) **PRESIDENTIAL REPORT.**—The President shall transmit to the Con-
3 gress in May of each year a report, which shall include (1) a comprehensive
4 description of the programed activities and the accomplishments of all agen-
5 cies of the United States in the field of aeronautics and space activities dur-
6 ing the preceding fiscal year, and (2) an evaluation of such activities and
7 accomplishments in terms of the attainment of, or the failure to attain, the
8 objectives described in section 302(d) [2451(d)] of this title.

9 (b) **RECOMMENDATIONS FOR ADDITIONAL LEGISLATION.**—Any report
10 made under this section shall contain such recommendations for additional
11 legislation as the Administrator or the President may consider necessary or
12 desirable for the attainment of the objectives described in section 302(d)
13 [2451(d)] of this title.

14 (c) **CLASSIFIED INFORMATION.**—No information which has been classified
15 for reasons of national security shall be included in any report made under
16 this section, unless such information has been declassified by, or pursuant
17 to authorization given by, the President.

SECTION 314

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
314	42:2476.	Pub. L. 85-568, title II, § 206, July 29, 1958, 72 Stat. 432; Pub. L. 92-68, § 7, Aug. 6, 1971, 85 Stat. 177; Pub. L. 106-391, title III, § 302(b), Oct. 30, 2000, 114 Stat. 1591.

In subsections (a) and (b), the words “section 102(c) of this Act”, which appear in section 206 of Public Law 85-568 (72 Stat. 432), are treated as referring to section 102(d), rather than section 102(c), of Public Law 85-568 because of the redesignation done by section 110(a)(2) of the National Aeronautics and Space Administration Authorization Act, 1985 (Public Law 98-361, 98 Stat. 426). Section 102(d) of Public Law 85-568 is restated as section 302(d) of title 51.

18 **§ 315. Disposal of excess land**

19 Notwithstanding the provisions of this or any other law, the Administra-
20 tion may not report to a disposal agency as excess to the needs of the Ad-
21 ministration any land having an estimated value in excess of \$50,000 which
22 is owned by the United States and under the jurisdiction and control of the
23 Administration, unless (A) a period of thirty days has passed after the re-
24 ceipt by the Speaker and the Committee on Science of the House of Rep-
25 resentatives and the President and the Committee on Commerce, Science,

1 and Transportation of the Senate of a report by the Administrator or the
 2 Administrator's designee containing a full and complete statement of the ac-
 3 tion proposed to be taken and the facts and circumstances relied upon in
 4 support of such action, or (B) each such committee before the expiration
 5 of such period has transmitted to the Administrator written notice to the
 6 effect that such committee has no objection to the proposed action.

SECTION 315

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
315	42:2476a.	Pub. L. 85-568, title II, § 207, as added Pub. L. 93-74, § 7, July 23, 1973, 87 Stat. 175; amended Pub. L. 103-437, § 15(j), Nov. 2, 1994, 108 Stat. 4593.

The words "Committee on Science" are substituted for "Committee on Science, Space, and Technology" because of section 1(a)(10) of Public Law 104-14 (109 Stat. 187).

7 SUBCHAPTER III—GENERAL ADMINISTRATIVE PROVISIONS

8 **§ 331. Access to information**

9 (a) PUBLIC INSPECTION.—Information obtained or developed by the Ad-
 10 ministrator in the performance of the Administrator's functions under this
 11 chapter shall be made available for public inspection, except (A) information
 12 authorized or required by Federal statute to be withheld, (B) information
 13 classified to protect the national security, and (C) information described in
 14 subsection (b). However, nothing in this chapter shall authorize the with-
 15 holding of information by the Administrator from the duly authorized com-
 16 mittees of the Congress.

17 (b) SPECIAL HANDLING OF SECRET OR CONFIDENTIAL INFORMATION.—
 18 The Administrator, for a period of up to 5 years after the development of
 19 information that results from activities conducted under an agreement en-
 20 tered into under section 312(c)(5) and (6) [2473(c)(5) and (6)] of this title,
 21 and that would be a trade secret or commercial or financial information that
 22 is privileged or confidential under the meaning of section 552(b)(4) of title
 23 5 if the information had been obtained from a non-Federal party partici-
 24 pating in such an agreement, may provide appropriate protections against
 25 the dissemination of such information, including exemption from subchapter
 26 II of chapter 5 of title 5.

SECTION 331

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
331	42:2454.	Pub. L. 85-568, title III, § 303, July 29, 1958, 72 Stat. 433; Pub. L. 102-588, title V, § 509, Nov. 4, 1992, 106 Stat. 5129.

1 **§ 332. Security requirements**

2 The Administrator shall establish such security requirements, restrictions,
3 and safeguards as the Administrator deems necessary in the interest of the
4 national security. The Administrator may arrange with the Director of the
5 Office of Personnel Management for the conduct of such security or other
6 personnel investigations of the Administration's officers, employees, and
7 consultants, and its contractors and subcontractors and their officers and
8 employees, actual or prospective, as the Administrator deems appropriate;
9 and if any such investigation develops any data reflecting that the individual
10 who is the subject thereof is of questionable loyalty the matter shall be re-
11 ferred to the Federal Bureau of Investigation for the conduct of a full field
12 investigation, the results of which shall be furnished to the Administrator.

SECTION 332

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
332	42:2455(a).	Pub. L. 85-568, title III, § 304(a), July 29, 1958, 72 Stat. 433; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783.

The words "Director of the Office of Personnel Management" are substituted for "Civil Service Commission" because of section 102 of Reorganization Plan No. 2 of 1978 (eff. Jan. 1, 1979, 92 Stat. 3783).

13 **§ 333. Permission to use firearms**

14 The Administrator may direct such of the officers and employees of the
15 Administration as the Administrator deems necessary in the public interest
16 to carry firearms while in the conduct of their official duties. The Adminis-
17 trator may also authorize such of those employees of the contractors and
18 subcontractors of the Administration engaged in the protection of property
19 owned by the United States and located at facilities owned by or contracted
20 to the United States as the Administrator deems necessary in the public in-
21 terest, to carry firearms while in the conduct of their official duties.

SECTION 333

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
333	42:2456.	Pub. L. 85-568, title III, § 304(e), July 29, 1958, 72 Stat. 435.

22 **§ 334. Arrest authority**

23 Under regulations to be prescribed by the Administrator and approved by
24 the Attorney General of the United States, those employees of the Adminis-
25 tration and of its contractors and subcontractors authorized to carry fire-
26 arms under section 333 [2456] of this title may arrest without warrant for
27 any offense against the United States committed in their presence, or for

1 any felony cognizable under the laws of the United States if they have rea-
 2 sonable grounds to believe that the person to be arrested has committed or
 3 is committing such felony. Persons granted authority to make arrests by
 4 this section may exercise that authority only while guarding and protecting
 5 property owned or leased by, or under the control of, the United States
 6 under the administration and control of the Administration or one of its
 7 contractors or subcontractors, at facilities owned by or contracted to the Ad-
 8 ministration.

SECTION 334

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
334	42:2456a.	Pub. L. 85-568, title III, § 304(f), as added Pub. L. 100-685, title II, § 206, Nov. 17, 1988, 102 Stat. 4090.

9 § 335. Property rights in inventions

10 (a) DEFINITIONS.—In this section:

11 (1) PERSON.—The term “person” means any individual, partnership,
 12 corporation, association, institution, or other entity.

13 (2) CONTRACT.—The term “contract” means any actual or proposed
 14 contract, agreement, understanding, or other arrangement, and in-
 15 cludes any assignment, substitution of parties, or subcontract executed
 16 or entered into thereunder.

17 (3) MADE.—The term “made”, when used in relation to any inven-
 18 tion, means the conception or first actual reduction to practice of such
 19 invention.

20 (b) EXCLUSIVE PROPERTY OF UNITED STATES.—Whenever any invention
 21 is made in the performance of any work under any contract of the Adminis-
 22 tration, and the Administrator determines that—

23 (1) the person who made the invention was employed or assigned to
 24 perform research, development, or exploration work and the invention
 25 is related to the work the person was employed or assigned to perform,
 26 or that it was within the scope of the person’s employment duties,
 27 whether or not it was made during working hours, or with a contribu-
 28 tion by the Government of the use of Government facilities, equipment,
 29 materials, allocated funds, information proprietary to the Government,
 30 or services of Government employees during working hours; or

31 (2) the person who made the invention was not employed or assigned
 32 to perform research, development, or exploration work, but the inven-
 33 tion is nevertheless related to the contract, or to the work or duties
 34 the person was employed or assigned to perform, and was made during

1 working hours, or with a contribution from the Government of the sort
 2 referred to in clause (1),
 3 such invention shall be the exclusive property of the United States, and if
 4 such invention is patentable a patent therefor shall be issued to the United
 5 States upon application made by the Administrator, unless the Adminis-
 6 trator waives all or any part of the rights of the United States to such in-
 7 vention in conformity with the provisions of subsection (g).

8 (c) CONTRACT PROVISIONS FOR FURNISHING REPORTS OF INVENTIONS,
 9 DISCOVERIES, IMPROVEMENTS, OR INNOVATIONS.—Each contract entered
 10 into by the Administrator with any party for the performance of any work
 11 shall contain effective provisions under which such party shall furnish
 12 promptly to the Administrator a written report containing full and complete
 13 technical information concerning any invention, discovery, improvement, or
 14 innovation which may be made in the performance of any such work.

15 (d) PATENT APPLICATION.—No patent may be issued to any applicant
 16 other than the Administrator for any invention which appears to the Under
 17 Secretary of Commerce for Intellectual Property and Director of the United
 18 States Patent and Trademark Office (hereafter in this section referred to
 19 as the “Director”) to have significant utility in the conduct of aeronautical
 20 and space activities unless the applicant files with the Director, with the ap-
 21 plication or within thirty days after request therefor by the Director, a writ-
 22 ten statement executed under oath setting forth the full facts concerning the
 23 circumstances under which such invention was made and stating the rela-
 24 tionship (if any) of such invention to the performance of any work under
 25 any contract of the Administration. Copies of each such statement and the
 26 application to which it relates shall be transmitted forthwith by the Director
 27 to the Administrator.

28 (e) ISSUANCE OF PATENT TO APPLICANT.—Upon any application as to
 29 which any such statement has been transmitted to the Administrator, the
 30 Director may, if the invention is patentable, issue a patent to the applicant
 31 unless the Administrator, within ninety days after receipt of such applica-
 32 tion and statement, requests that such patent be issued to the Adminis-
 33 trator on behalf of the United States. If, within such time, the Adminis-
 34 trator files such a request with the Director, the Director shall transmit no-
 35 tice thereof to the applicant, and shall issue such patent to the Adminis-
 36 trator unless the applicant within thirty days after receipt of such notice
 37 requests a hearing before the Board of Patent Appeals and Interferences
 38 on the question whether the Administrator is entitled under this section to
 39 receive such patent. The Board may hear and determine, in accordance with
 40 rules and procedures established for interference cases, the question so pre-
 41 sented, and its determination shall be subject to appeal by the applicant or

1 by the Administrator to the United States Court of Appeals for the Federal
 2 Circuit in accordance with procedures governing appeals from decisions of
 3 the Board of Patent Appeals and Interferences in other proceedings.

4 (f) SUBSEQUENT TRANSFER OF PATENT IN CASE OF FALSE REPRESENTATIONS.—Whenever any patent has been issued to any applicant in conformity with subsection (e), and the Administrator thereafter has reason to
 5 believe that the statement filed by the applicant in connection therewith contained any false representation of any material fact, the Administrator within five years after the date of issuance of such patent may file with the Director a request for the transfer to the Administrator of title to such patent
 6 on the records of the Director. Notice of any such request shall be transmitted by the Director to the owner of record of such patent, and title to
 7 such patent shall be so transferred to the Administrator unless within thirty days after receipt of such notice such owner of record requests a hearing
 8 before the Board of Patent Appeals and Interferences on the question whether any such false representation was contained in such statement.
 9 Such question shall be heard and determined, and determination thereof shall be subject to review, in the manner prescribed by subsection (e) for
 10 questions arising thereunder. No request made by the Administrator under this subsection for the transfer of title to any patent, and no prosecution
 11 for the violation of any criminal statute, shall be barred by any failure of the Administrator to make a request under subsection (e) for the issuance
 12 of such patent to the Administrator, or by any notice previously given by the Administrator stating that the Administrator had no objection to the
 13 issuance of such patent to the applicant therefor.

14 (g) WAIVER OF RIGHTS TO INVENTIONS.—Under such regulations in conformity with this subsection as the Administrator shall prescribe, the Administrator may waive all or any part of the rights of the United States
 15 under this section with respect to any invention or class of inventions made or which may be made by any person or class of persons in the performance
 16 of any work required by any contract of the Administration if the Administrator determines that the interests of the United States will be served thereby. Any such waiver may be made upon such terms and under such
 17 conditions as the Administrator shall determine to be required for the protection of the interests of the United States. Each such waiver made with
 18 respect to any invention shall be subject to the reservation by the Administrator of an irrevocable, nonexclusive, nontransferable, royalty-free license
 19 for the practice of such invention throughout the world by or on behalf of the United States or any foreign government pursuant to any treaty or
 20 agreement with the United States. Each proposal for any waiver under this subsection shall be referred to an Inventions and Contributions Board which

1 shall be established by the Administrator within the Administration. Such
 2 Board shall accord to each interested party an opportunity for hearing, and
 3 shall transmit to the Administrator its findings of fact with respect to such
 4 proposal and its recommendations for action to be taken with respect there-
 5 to.

6 (h) PROTECTION OF TITLE.—The Administrator is authorized to take all
 7 suitable and necessary steps to protect any invention or discovery to which
 8 the Administrator has title, and to require that contractors or persons who
 9 retain title to inventions or discoveries under this section protect the inven-
 10 tions or discoveries to which the Administration has or may acquire a li-
 11 cense of use.

12 (i) ADMINISTRATION AS DEFENSE AGENCY.—The Administration shall be
 13 considered a defense agency of the United States for the purpose of chapter
 14 17 of title 35.

15 (j) OBJECTS INTENDED FOR LAUNCH, LAUNCHED, OR ASSEMBLED IN
 16 OUTER SPACE.—Any object intended for launch, launched, or assembled in
 17 outer space shall be considered a vehicle for the purpose of section 272 of
 18 title 35.

19 (k) USE OR MANUFACTURE OF PATENTED INVENTIONS INCORPORATED
 20 IN SPACE VEHICLES LAUNCHED FOR PERSONS OTHER THAN UNITED
 21 STATES.—The use or manufacture of any patented invention incorporated
 22 in a space vehicle launched by the United States Government for a person
 23 other than the United States shall not be considered to be a use or manu-
 24 facture by or for the United States within the meaning of section 1498(a)
 25 of title 28, unless the Administration gives an express authorization or con-
 26 sent for such use or manufacture.

SECTION 335

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
335	42:2457.	Pub. L. 85-568, title III, § 305, July 29, 1958, 72 Stat. 435; Pub. L. 96-517, § 7(b), Dec. 12, 1980, 94 Stat. 3027; Pub. L. 97-96, § 7, Dec. 21, 1981, 95 Stat. 1210; Pub. L. 97-164, title I, § 162(3), Apr. 2, 1982, 96 Stat. 49; Pub. L. 98-622, title II, § 205(c), Nov. 8, 1984, 98 Stat. 3388; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(20)], Nov. 29, 1999, 113 Stat. 1536, 1501A-585.

27 § 336. Contributions awards

28 (a) APPLICATIONS.—Subject to the provisions of this section, the Admin-
 29 istrator is authorized, upon the Administrator's own initiative or upon appli-
 30 cation of any person, to make a monetary award, in such amount and upon
 31 such terms as the Administrator shall determine to be warranted, to any
 32 person (as defined by section 335 [2457] of this title) for any scientific or

technical contribution to the Administration which is determined by the Administrator to have significant value in the conduct of aeronautical and space activities. Each application made for any such award shall be referred to the Inventions and Contributions Board established under section 335 [2457] of this title. Such Board shall accord to each such applicant an opportunity for hearing upon such application, and shall transmit to the Administrator its recommendation as to the terms of the award, if any, to be made to such applicant for such contribution. In determining the terms and conditions of any award the Administrator shall take into account—

(1) the value of the contribution to the United States;

(2) the aggregate amount of any sums which have been expended by the applicant for the development of such contribution;

(3) the amount of any compensation (other than salary received for services rendered as an officer or employee of the Government) previously received by the applicant for or on account of the use of such contribution by the United States; and

(4) such other factors as the Administrator shall determine to be material.

(b) APPORTIONMENT OF AWARDS.—If more than one applicant under subsection (a) claims an interest in the same contribution, the Administrator shall ascertain and determine the respective interests of such applicants, and shall apportion any award to be made with respect to such contribution among such applicants in such proportions as the Administrator shall determine to be equitable. No award may be made under subsection (a) with respect to any contribution—

(1) unless the applicant surrenders, by such means as the Administrator shall determine to be effective, all claims which such applicant may have to receive any compensation (other than the award made under this section) for the use of such contribution or any element thereof at any time by or on behalf of the United States, or by or on behalf of any foreign government pursuant to any treaty or agreement with the United States, within the United States or at any other place;

(2) in any amount exceeding \$100,000, unless the Administrator has transmitted to the appropriate committees of the Congress a full and complete report concerning the amount and terms of, and the basis for, such proposed award, and thirty calendar days of regular session of the Congress have expired after receipt of such report by such committees.

SECTION 336

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
336	42:2458.	Pub. L. 85-568, title III, § 306, July 29, 1958, 72 Stat. 437.

§ 337. Malpractice and negligence suits against United States

(a) EXCLUSIVE REMEDY.—The remedy against the United States provided by sections 1346(b) and 2672 of title 28, for damages for personal injury, including death, caused by the negligent or wrongful act or omission of any physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (including medical and dental technicians, nursing assistants, and therapists) of the Administration in the performance of medical, dental, or related health care functions (including clinical studies and investigations) while acting within the scope of his or her duties or employment therein or therefor shall be exclusive of any other civil action or proceeding by reason of the same subject matter against such physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (or the estate of such person) whose act or omission gave rise to such action or proceeding.

(b) ATTORNEY GENERAL TO DEFEND ANY CIVIL ACTION OR PROCEEDING FOR MALPRACTICE OR NEGLIGENCE.—The Attorney General shall defend any civil action or proceeding brought in any court against any person referred to in subsection (a) (or the estate of such person) for any such injury. Any such person against whom such civil action or proceeding is brought shall deliver within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon such person or an attested true copy thereof to such person's immediate superior or to whomever was designated by the Administrator to receive such papers and such person shall promptly furnish copies of the pleading and process therein to the United States Attorney for the district embracing the place wherein the proceeding is brought to the Attorney General and to the Administrator.

(c) REMOVAL OF ACTIONS.—Upon a certification by the Attorney General that any person described in subsection (a) was acting in the scope of such person's duties or employment at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28, and all references thereto. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the case so removed is one in which a remedy by suit within the meaning of subsection (a) is not available against the United States, the case shall be remanded to the State court.

1 (d) COMPROMISE OR SETTLEMENT OF CLAIMS.—The Attorney General
 2 may compromise or settle any claim asserted in such civil action or pro-
 3 ceeding in the manner provided in section 2677 of title 28, and with the
 4 same effect.

5 (e) APPLICABILITY OF OTHER PROVISIONS OF LAW.—For purposes of
 6 this section, the provisions of section 2680(h) of title 28 shall not apply to
 7 any cause of action arising out of a negligent or wrongful act of omission
 8 in the performance of medical, dental, or related health care functions (in-
 9 cluding clinical studies and investigations).

10 (f) LIABILITY INSURANCE FOR PERSONS ASSIGNED TO FOREIGN COUN-
 11 TRIES OR NON-FEDERAL AGENCIES.—The Administrator or the Adminis-
 12 trator's designee may, to the extent that the Administrator or the designee
 13 deem appropriate, hold harmless or provide liability insurance for any per-
 14 son described in subsection (a) for damages for personal injury, including
 15 death, caused by such person's negligent or wrongful act or omission in the
 16 performance of medical, dental, or related health care functions (including
 17 clinical studies and investigations) while acting within the scope of such per-
 18 son's duties if such person is assigned to a foreign country or detailed for
 19 service with other than a Federal department, agency, or instrumentality or
 20 if the circumstances are such as are likely to preclude the remedies of third
 21 persons against the United States described in section 2679(b) of title 28,
 22 for such damage or injury.

SECTION 337

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
337	42:2458a.	Pub. L. 85-568, title III, § 307, as added Pub. L. 94-464, § 3, Oct. 8, 1976, 90 Stat. 1988.

In subsection (a), the word “hereafter” is omitted as unnecessary.
 In subsection (c), the word “wherein” is substituted for “where-
 in” to correct an error in the Code.

23 § 338. Insurance and indemnification

24 (a) DEFINITIONS.—In this section:

25 (1) SPACE VEHICLE.—The term “space vehicle” means an object in-
 26 tended for launch, launched or assembled in outer space, including the
 27 space shuttle and other components of a space transportation system,
 28 together with related equipment, devices, components and parts.

29 (2) USER.—The term “user” includes anyone who enters into an
 30 agreement with the Administration for use of all or a portion of a space
 31 vehicle, who owns or provides property to be flown on a space vehicle,
 32 or who employs a person to be flown on a space vehicle.

1 (3) THIRD PARTY.—The term “third party” means any person who
 2 may institute a claim against a user for death, bodily injury or loss
 3 of or damage to property.

4 (b) AUTHORIZATION.—The Administration is authorized on such terms
 5 and to the extent it may deem appropriate to provide liability insurance for
 6 any user of a space vehicle to compensate all or a portion of claims by third
 7 parties for death, bodily injury, or loss of or damage to property resulting
 8 from activities carried on in connection with the launch, operations or recovery
 9 of the space vehicle. Appropriations available to the Administration may
 10 be used to acquire such insurance, but such appropriations shall be reim-
 11 bursed to the maximum extent practicable by the users under reimburse-
 12 ment policies established pursuant to section 312(c) [2473(c)] of this title.

13 (c) INDEMNIFICATION.—Under such regulations in conformity with this
 14 section as the Administrator shall prescribe taking into account the avail-
 15 ability, cost and terms of liability insurance, any agreement between the Ad-
 16 ministration and a user of a space vehicle may provide that the United
 17 States will indemnify the user against claims (including reasonable expenses
 18 of litigation or settlement) by third parties for death, bodily injury, or loss
 19 of or damage to property resulting from activities carried on in connection
 20 with the launch, operations or recovery of the space vehicle, but only to the
 21 extent that such claims are not compensated by liability insurance of the
 22 user. Such indemnification may be limited to claims resulting from other
 23 than the actual negligence or willful misconduct of the user.

24 (d) TERMS OF INDEMNIFICATION AGREEMENT.—An agreement made
 25 under subsection (c) that provides indemnification must also provide for—

26 (1) notice to the United States of any claim or suit against the user
 27 for the death, bodily injury, or loss of or damage to the property; and

28 (2) control of or assistance in the defense by the United States, at
 29 its election, of that suit or claim.

30 (d) CERTIFICATION OF JUST AND REASONABLE AMOUNT.—No payment
 31 may be made under subsection (c) unless the Administrator or the Adminis-
 32 trator’s designee certifies that the amount is just and reasonable.

33 (e) PAYMENTS.—Upon the approval by the Administrator, payments
 34 under subsection (c) may be made, at the Administrator’s election, either
 35 from funds available for research and development not otherwise obligated
 36 or from funds appropriated for such payments.

SECTION 338

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
338	42:2458b.	Pub. L. 85-568, title III, § 308, as added Pub. L. 96-48, § 6(b)(2), Aug. 8, 1979, 93 Stat. 348.

1 **§ 339. Experimental aerospace vehicle**

2 (a) DEFINITIONS.—In this section:

3 (1) COOPERATING PARTY.—The term “cooperating party” means
4 any person who enters into an agreement with the Administration for
5 the performance of cooperative scientific, aeronautical, or space activi-
6 ties to carry out the purposes of this chapter.

7 (2) DEVELOPER.—The term “developer” means a United States per-
8 son (other than a natural person) who—

9 (A) is a party to an agreement with the Administration for the
10 purpose of developing new technology for an experimental aero-
11 space vehicle;

12 (B) owns or provides property to be flown or situated on that
13 vehicle; or

14 (C) employs a natural person to be flown on that vehicle.

15 (3) EXPERIMENTAL AEROSPACE VEHICLE.—The term “experimental
16 aerospace vehicle” means an object intended to be flown in, or launched
17 into, orbital or suborbital flight for the purpose of demonstrating tech-
18 nologies necessary for a reusable launch vehicle, developed under an
19 agreement between the Administration and a developer.

20 (4) RELATED ENTITY.—The term “related entity” includes a con-
21 tractor or subcontractor at any tier, a supplier, a grantee, and an in-
22 vestigator or detailee.

23 (b) IN GENERAL.—The Administrator may provide liability insurance for,
24 or indemnification to, the developer of an experimental aerospace vehicle de-
25 veloped or used in execution of an agreement between the Administration
26 and the developer.

27 (c) TERMS AND CONDITIONS.—

28 (1) IN GENERAL.—Except as otherwise provided in this section, the
29 insurance and indemnification provided by the Administration under
30 subsection (b) to a developer shall be provided on the same terms and
31 conditions as insurance and indemnification is provided by the Admin-
32 istration under section 338 [2458b] of this title to the user of a space
33 vehicle.

34 (2) INSURANCE.—

35 (A) IN GENERAL.—A developer shall obtain liability insurance
36 or demonstrate financial responsibility in amounts to compensate
37 for the maximum probable loss from claims by—

38 (i) a third party for death, bodily injury, or property dam-
39 age, or loss resulting from an activity carried out in connec-
40 tion with the development or use of an experimental aero-
41 space vehicle; and

(ii) the United States Government for damage or loss to Government property resulting from such an activity.

(B) MAXIMUM REQUIRED.—The Administrator shall determine the amount of insurance required, but, except as provided in subparagraph (C), that amount shall not be greater than the amount required under section 70112(a)(3) of title 49 for a launch. The Administrator shall publish notice of the Administrator's determination and the applicable amount or amounts in the Federal Register within 10 days after making the determination.

(C) INCREASE IN DOLLAR AMOUNTS.—The Administrator may increase the dollar amounts set forth in section 70112(a)(3)(A) of title 49 for the purpose of applying that section under this section to a developer after consultation with the Comptroller General and such experts and consultants as may be appropriate, and after publishing notice of the increase in the Federal Register not less than 180 days before the increase goes into effect. The Administrator shall make available for public inspection, not later than the date of publication of such notice, a complete record of any correspondence received by the Administration, and a transcript of any meetings in which the Administration participated, regarding the proposed increase.

(D) SAFETY REVIEW REQUIRED BEFORE ADMINISTRATOR PROVIDES INSURANCE.—The Administrator may not provide liability insurance or indemnification under subsection (b) unless the developer establishes to the satisfaction of the Administrator that appropriate safety procedures and practices are being followed in the development of the experimental aerospace vehicle.

(3) NO INDEMNIFICATION WITHOUT CROSS-WAIVER.—Notwithstanding subsection (b), the Administrator may not indemnify a developer of an experimental aerospace vehicle under this section unless there is an agreement between the Administration and the developer described in subsection (d).

(4) APPLICATION OF CERTAIN PROCEDURES.—If the Administrator requests additional appropriations to make payments under this section, like the payments that may be made under section 338(c) [2458b(b)] of this title, then the request for those appropriations shall be made in accordance with the procedures established by subsections (d) and (e) of section 70113 of title 49.

(d) CROSS-WAIVERS.—

(1) ADMINISTRATOR AUTHORIZED TO WAIVE.—The Administrator, on behalf of the United States, and its departments, agencies, and in-

1 instrumentalities, may reciprocally waive claims with a developer or co-
 2 operating party and with the related entities of that developer or co-
 3 operating party under which each party to the waiver agrees to be re-
 4 sponsible, and agrees to ensure that its own related entities are respon-
 5 sible, for damage or loss to its property for which it is responsible, or
 6 for losses resulting from any injury or death sustained by its own em-
 7 ployees or agents, as a result of activities connected to the agreement
 8 or use of the experimental aerospace vehicle.

9 (2) LIMITATIONS.—

10 (A) CLAIMS.—A reciprocal waiver under paragraph (1) may not
 11 preclude a claim by any natural person (including, but not limited
 12 to, a natural person who is an employee of the United States, the
 13 developer, the cooperating party, or their respective subcontractors)
 14 or that natural person's estate, survivors, or subrogees for
 15 injury or death, except with respect to a subrogee that is a party
 16 to the waiver or has otherwise agreed to be bound by the terms
 17 of the waiver.

18 (B) LIABILITY FOR NEGLIGENCE.—A reciprocal waiver under
 19 paragraph (1) may not absolve any party of liability to any nat-
 20 ural person (including, but not limited to, a natural person who
 21 is an employee of the United States, the developer, the cooperating
 22 party, or their respective subcontractors) or such a natural per-
 23 son's estate, survivors, or subrogees for negligence, except with re-
 24 spect to a subrogee that is a party to the waiver or has otherwise
 25 agreed to be bound by the terms of the waiver.

26 (C) INDEMNIFICATION FOR DAMAGES.—A reciprocal waiver
 27 under paragraph (1) may not be used as the basis of a claim by
 28 the Administration, or the developer or cooperating party, for in-
 29 demnification against the other for damages paid to a natural per-
 30 son, or that natural person's estate, survivors, or subrogees, for
 31 injury or death sustained by that natural person as a result of ac-
 32 tivities connected to the agreement or use of the experimental
 33 aerospace vehicle.

34 (D) WILLFUL MISCONDUCT.—A reciprocal waiver under para-
 35 graph (1) may not relieve the United States, the developer, the co-
 36 operating party, or the related entities of the developer or cooper-
 37 ating party, of liability for damage or loss resulting from willful
 38 misconduct.

39 (3) EFFECT ON PREVIOUS WAIVERS.—Subsection (d) applies to any
 40 waiver of claims entered into by the Administration without regard to
 41 the date on which the Administration entered into the waiver.

(e) RELATIONSHIP TO OTHER LAWS.—

(1) SECTION 338 [2458b].—This section does not apply to any object, transaction, or operation to which section 338 [2458b] of this title applies.

(2) CHAPTER 701 OF TITLE 49.—The Administrator may not provide indemnification to a developer under this section for launches subject to license under section 70117(g)(1) of title 49.

(f) TERMINATION.—

(1) IN GENERAL.—The provisions of this section shall terminate on December 31, 2002, except that the Administrator may extend the termination date to a date not later than September 30, 2005, if the Administrator determines that such extension is in the interests of the United States.

(2) EFFECT OF TERMINATION ON AGREEMENT.—The termination of this section shall not terminate or otherwise affect any cross-waiver agreement, insurance agreement, indemnification agreement, or other agreement entered into under this section, except as may be provided in that agreement.

SECTION 339

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
339	42:2458c.	Pub. L. 85–568, title III, § 309, formerly title III, as added Pub. L. 106–74, title IV, § 435(a), Oct. 20, 1999, 113 Stat. 1097; designated § 309 and amended Pub. L. 106–391, title III, § 324(a)(2), (b), Oct. 30, 2000, 114 Stat. 1599, 1600.

In subsection (d)(3), the words “without regard to the date on which the Administration entered into the waiver” are substituted for “without regard to whether it was entered into before, on, or after the date of enactment of this Act” for the sake of simplicity and to resolve an ambiguity in the law. Literally, the words “the date of enactment of this Act” mean July 29, 1958, the date of enactment of Public Law 85–568. However, the intended meaning of the words “the date of enactment of this Act” is probably October 20, 1999, the date of enactment of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74). In any event, the words “before, on, or after” render the actual date inconsequential.

§ 340. Appropriations

(a) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this chapter, except that nothing in this chapter shall authorize the appropriation of any amount for (1) the acquisition or condemnation of any real property, or (2) any other item of a capital nature (such as plant or facility acquisition, construction, or expansion) which exceeds \$250,000. Sums appropriated pursuant to this sub-

section for the construction of facilities, or for research and development activities, shall remain available until expended.

(b) USE OF FUNDS FOR EMERGENCY REPAIRS OF EXISTING FACILITIES.—Any funds appropriated for the construction of facilities may be used for emergency repairs of existing facilities when such existing facilities are made inoperative by major breakdown, accident, or other circumstances and such repairs are deemed by the Administrator to be of greater urgency than the construction of new facilities.

(c) TERMINATION.—Notwithstanding any other provision of law, the authorization of any appropriation to the Administration shall expire (unless an earlier expiration is specifically provided) at the close of the third fiscal year following the fiscal year in which the authorization was enacted, to the extent that such appropriation has not theretofore actually been made.

SECTION 340

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
340	42:2459.	Pub. L. 85-568, title III, § 310, formerly § 307, July 29, 1958, 72 Stat. 438; Pub. L. 88-113, § 6, Sept. 6, 1963, 77 Stat. 144; renumbered § 308, Pub. L. 94-464, § 3, Oct. 8, 1976, 90 Stat. 1988; renumbered § 309, Pub. L. 96-48, § 6(b)(1), Aug. 8, 1979, 93 Stat. 348; renumbered § 310, Pub. L. 106-391, title III, § 324(a)(1), Oct. 30, 2000, 114 Stat. 1599.

§ 341. Misuse of agency name and initials

(a) IN GENERAL.—No person (as defined by section 335 [2457] of this title) may (1) knowingly use the words “National Aeronautics and Space Administration” or the letters “NASA”, or any combination, variation, or colorable imitation of those words or letters either alone or in combination with other words or letters, as a firm or business name in a manner reasonably calculated to convey the impression that such firm or business has some connection with, endorsement of, or authorization from, the Administration which does not, in fact, exist; or (2) knowingly use those words or letters or any combination, variation, or colorable imitation thereof either alone or in combination with other words or letters in connection with any product or service being offered or made available to the public in a manner reasonably calculated to convey the impression that such product or service has the authorization, support, sponsorship, or endorsement of, or the development, use, or manufacture by or on behalf of the Administration which does not, in fact, exist.

(b) CIVIL PROCEEDING TO ENJOIN.—Whenever it appears to the Attorney General that any person is engaged in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney

- 1 General may initiate a civil proceeding in a district court of the United
 2 States to enjoin such act or practice.

SECTION 341

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
341	42:2459b.	Pub. L. 85-568, title III, § 311, formerly § 310, as added Pub. L. 98-52, title I, § 107, July 15, 1983, 97 Stat. 284; renumbered § 311, Pub. L. 106-391, title III, § 324(a)(1), Oct. 30, 2000, 114 Stat. 1599.

3 **§ 342. Contracts regarding expendable launch vehicles**

4 (a) COMMITMENTS BEYOND AVAILABLE APPROPRIATIONS.—The Admin-
 5 istrator may enter into contracts for expendable launch vehicle services that
 6 are for periods in excess of the period for which funds are otherwise avail-
 7 able for obligation, provide for the payment for contingent liability which
 8 may accrue in excess of available appropriations in the event the Govern-
 9 ment for its convenience terminates such contracts, and provide for advance
 10 payments reasonably related to launch vehicle and related equipment, fab-
 11 rication, and acquisition costs, if any such contract limits the amount of the
 12 payments that the Federal Government is allowed to make under such con-
 13 tract to amounts provided in advance in appropriation Acts. Such contracts
 14 may be limited to sources within the United States when the Administrator
 15 determines that such limitation is in the public interest.

16 (b) TERMINATION IF FUNDS NOT AVAILABLE.—If funds are not available
 17 to continue any such contract, the contract shall be terminated for the con-
 18 venience of the Government, and the costs of such contract shall be paid
 19 from appropriations originally available for performance of the contract,
 20 from other, unobligated appropriations currently available for the procure-
 21 ment of launch services, or from funds appropriated for such payments.

SECTION 342

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
342	42:2459c.	Pub. L. 85-568, title III, § 312, formerly § 311, as added Pub. L. 100-147, title I, § 117, Oct. 30, 1987, 101 Stat. 867; renumbered § 312, Pub. L. 106-391, title III, § 324(a)(1), Oct. 30, 2000, 114 Stat. 1599.

In subsection (a), the word “expendable” is substituted for “expendable” to correct an error in the law.

22 **§ 343. Full cost appropriations account structure**

23 (a) DESIGNATION OF ACCOUNTS FOR APPROPRIATIONS.—Appropriations
 24 for the Administration shall be made in three accounts, “Exploration capa-
 25 bilities”, “Science, aeronautics and exploration”, and an account for
 26 amounts appropriated for the necessary expenses of the Office of Inspector

1 General. Appropriations shall remain available for two fiscal years. Each ac-
 2 count shall include the planned full costs of the Administration's related ac-
 3 tivities.

4 (b) TRANSFERS AMONG ACCOUNTS.—To ensure the safe, timely, and suc-
 5 cessful accomplishment of Administration missions, the Administration may
 6 transfer amounts for Federal salaries and benefits; training, travel and
 7 awards; facility and related costs; information technology services; pub-
 8 lishing services; science, engineering, fabricating and testing services; and
 9 other administrative services among accounts, as necessary.

10 (c) TRANSFER OF UNEXPIRED BALANCES.—The unexpired balances of
 11 prior appropriations to the Administration for activities authorized under
 12 this chapter may be transferred to the new account established for such ac-
 13 tivity in subsection (a). Balances so transferred may be merged with funds
 14 in the newly established account and thereafter may be accounted for as one
 15 fund under the same terms and conditions.

SECTION 343

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
343	42:2459f.	Pub. L. 85-568, title III, § 313, formerly § 312, as added Pub. L. 106-377, § 1(a)(1) [title IV, § 431], Oct. 27, 2000, 114 Stat. 1441, 1441A-56; renumbered § 313, Pub. L. 108-199, div. G, title IV, § 417, Jan. 23, 2004, 118 Stat. 415; Pub. L. 108-447, div. I, title IV, § 417, Dec. 8, 2004, 118 Stat. 3339.

In subsection (a), the words “for fiscal year 2005 and thereafter” are omitted as unnecessary.

16 § 344. Enhanced-use lease of real property demonstration

17 (a) IN GENERAL.—Notwithstanding any other provision of law, the Ad-
 18 ministrator may enter into a lease under this section with any person or
 19 entity (including another department or agency of the Federal Government
 20 or an entity of a State or local government) with regard to any real property
 21 under the jurisdiction of the Administrator at no more than two (2) Admin-
 22 istration centers.

23 (b) CONSIDERATION.—

24 (1) AMOUNT.—A person or entity entering into a lease under this
 25 section shall provide consideration for the lease at fair market value as
 26 determined by the Administrator, except that in the case of a lease to
 27 another department or agency of the Federal Government, that depart-
 28 ment or agency shall provide consideration for the lease equal to the
 29 full costs to the Administration in connection with the lease.

30 (2) FORM.—Consideration under this subsection may take one or a
 31 combination of the following forms—

32 (A) the payment of cash;

1 (B) the maintenance, construction, modification or improvement
 2 of facilities on real property under the jurisdiction of the Adminis-
 3 trator;

4 (C) the provision of services to the Administration, including
 5 launch services and payload processing services; or

6 (D) use by the Administration of facilities on the property.

7 (3)(A) UTILIZATION OF CASH CONSIDERATION.—The Administrator
 8 may utilize amounts of cash consideration received under this sub-
 9 section for a lease entered into under this section to cover the full costs
 10 to the Administration in connection with the lease. These funds shall
 11 remain available until expended.

12 (B) AMOUNTS NOT UTILIZED.—Any amounts of cash consideration
 13 received under this subsection that are not utilized in accordance with
 14 subparagraph (A) shall be deposited in a capital asset account to be
 15 established by the Administrator, shall be available for maintenance,
 16 capital revitalization, and improvements of the real property assets of
 17 the centers selected for this demonstration program, and shall remain
 18 available until expended.

19 (c) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may re-
 20 quire such terms and conditions in connection with a lease under this sec-
 21 tion as the Administrator considers appropriate to protect the interests of
 22 the United States.

23 (d) RELATIONSHIP TO OTHER LEASE AUTHORITY.—The authority under
 24 this section to lease property of the Administration is in addition to any
 25 other authority to lease property of the Administration under law.

26 (e) LEASE RESTRICTIONS.—The Administration is not authorized to lease
 27 back property under this section during the term of the out-lease or enter
 28 into other contracts with the lessee respecting the property.

29 (f) PLAN AND REPORTING REQUIREMENTS.—At least 15 days prior to
 30 the Administrator entering into the first lease under this section, the Ad-
 31 ministrator shall submit a plan to the Congress on the Administration's pro-
 32 posed implementation of this demonstration. The Administrator shall submit
 33 an annual report by January 31st of each year regarding the status of the
 34 demonstration.

SECTION 344

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
344	42:2459j.	Pub. L. 85-568, title III, § 315, as added Pub. L. 108-7, div. K, title IV, § 418, Feb. 20, 2003, 117 Stat. 525.

SUBCHAPTER IV—UPPER ATMOSPHERE RESEARCH

§ 361. Congressional declaration of purpose and policy

(a) PURPOSE.—The purpose of this subchapter is to authorize and direct the Administration to develop and carry out a comprehensive program of research, technology, and monitoring of the phenomena of the upper atmosphere so as to provide for an understanding of and to maintain the chemical and physical integrity of the Earth's upper atmosphere.

(b) POLICY.—The Congress declares that it is the policy of the United States to undertake an immediate and appropriate research, technology, and monitoring program that will provide for understanding the physics and chemistry of the Earth's upper atmosphere.

SECTION 361

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
361	42:2481.	Pub. L. 85-568, title IV, § 401, as added Pub. L. 94-39, § 8, June 19, 1975, 89 Stat. 222.

§ 362. Definition of “upper atmosphere”

In this subchapter, the term “upper atmosphere” means that portion of the Earth's sensible atmosphere above the troposphere.

SECTION 362

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
362	42:2482.	Pub. L. 85-568, title IV, § 402, as added Pub. L. 94-39, § 8, June 19, 1975, 89 Stat. 222.

§ 363. Program authorized

(a) IN GENERAL.—In order to carry out the purposes of this subchapter, the Administration, in cooperation with other Federal agencies, shall initiate and carry out a program of research, technology, monitoring, and other appropriate activities directed to understand the physics and chemistry of the upper atmosphere.

(b) ACTIVITIES.—In carrying out the provisions of this subchapter, the Administration shall—

(1) arrange for participation by the scientific and engineering community, of both the Nation's industrial organizations and institutions of higher education, in planning and carrying out appropriate research, in developing necessary technology and in making necessary observations and measurements;

(2) provide, by way of grant, contract, scholarships or other arrangements, to the maximum extent practicable and consistent with other laws, for the widest practicable and appropriate participation of the sci-

- entific and engineering community in the program authorized by this subchapter; and
- (3) make all results of the program authorized by this subchapter available to the appropriate regulatory agencies and provide for the widest practicable dissemination of such results.

SECTION 363

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
363	42:2483.	Pub. L. 85-568, title IV, § 403, as added Pub. L. 94-39, § 8, June 19, 1975, 89 Stat. 222.

§ 364. International cooperation

- In carrying out the provisions of this subchapter, the Administration, subject to the direction of the President and after consultation with the Secretary of State, shall make every effort to enlist the support and cooperation of appropriate scientists and engineers of other countries and international organizations.

SECTION 364

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
364	42:2484.	Pub. L. 85-568, title IV, § 404, as added Pub. L. 94-39, § 8, June 19, 1975, 89 Stat. 223.

CHAPTER 5—ADJUNCT NATIONAL SPACE PROGRAM PROVISIONS

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591. Competitiveness and international cooperation. [2475a]

SUBCHAPTER I—APPROPRIATIONS AND FUNDS

§ 501. Prior authorization of appropriations required

Notwithstanding the provisions of any other law, no appropriation may be made to the Administration unless previously authorized by legislation enacted by the Congress.

SECTION 501

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
501	42:2460.	Pub. L. 86–45, § 4, June 15, 1959, 73 Stat. 75.

The word “hereafter” is omitted as unnecessary.

§ 502. Working capital fund

There is hereby established in the United States Treasury an Administration working capital fund. Amounts in the fund are available for financing activities, services, equipment, information, and facilities as authorized by law to be provided within the Administration; to other agencies or instrumentalities of the United States; to any State, Territory, or possession or political subdivision thereof; to other public or private agencies; or to any person, firm, association, corporation, or educational institution on a reimbursable basis. The fund shall also be available for the purpose of funding capital repairs, renovations, rehabilitation, sustainment, demolition, or replacement of Administration real property, on a reimbursable basis within the Administration. Amounts in the fund are available without regard to fiscal year limitation. The capital of the fund consists of amounts appropriated to the fund; the reasonable value of stocks of supplies, equipment, and other assets and inventories on order that the Administrator transfers to the fund, less the related liabilities and unpaid obligations; and payments received for loss or damage to property of the fund. The fund shall be reimbursed, in advance, for supplies and services at rates that will approximate the expenses of operation, such as the accrual of annual leave, depreciation of plant, property and equipment, and overhead.

SECTION 502

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
502	42:2459i.	Pub. L. 108–7, div. K, title III, (4th par. on p. 520), Feb. 20, 2003, 117 Stat. 520.

1 SUBCHAPTER II—CONTRACT AND LEASE AUTHORITY

2 **§ 511. Guaranteed customer base**

3 No amount appropriated to the Administration may be used to fund
4 grants, contracts or other agreements with an expected duration of more
5 than one year, when a primary effect of the grant, contract, or agreement
6 is to provide a guaranteed customer base for or establish an anchor tenancy
7 in new commercial space hardware or services unless an appropriations Act
8 specifies the new commercial space hardware or services to be developed or
9 used, or the grant, contract, or agreement is otherwise identified in such
10 Act.

SECTION 511

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
511	42:2459d.	Pub. L. 102–139, title III, (1st par. under heading “Administrative Provisions” on p. 771), Oct. 28, 1991, 105 Stat. 771.

The words “in this or any other Act with respect to any fiscal year” are omitted as unnecessary.

11 **§ 512. Quality assurance personnel**

12 (a) EXCLUSION OF ADMINISTRATION PERSONNEL.—A person providing
13 articles to the Administration under a contract entered into after December
14 9, 1991, may not exclude Administration quality assurance personnel from
15 work sites except as provided in a contract provision described in subsection
16 (b).

17 (b) CONTRACT PROVISIONS.—The Administration shall not enter into any
18 contract which permits the exclusion of Administration quality assurance
19 personnel from work sites unless the Administrator has submitted a copy
20 of the provision permitting such exclusion to the Congress at least 60 days
21 before entering into such contract.

SECTION 512

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
512	42:2459e.	Pub. L. 102–195, § 19, Dec. 9, 1991, 105 Stat. 1615.

In subsection (a), the date “December 9, 1991” is substituted for “the date of enactment of this Act” to reflect the date of enactment of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1992 (Public Law 102–195, 105 Stat. 1605).

1 **§ 513. Tracking and data relay satellite services**

2 (a) **CONTRACTS.**—The Administration is authorized, when so provided in
3 an appropriation Act, to enter into and to maintain a contract for tracking
4 and data relay satellite services. Such services shall be furnished to the Ad-
5 ministration in accordance with applicable authorization and appropriations
6 Acts. The Government shall incur no costs under such contract prior to the
7 furnishing of such services except that the contract may provide for the pay-
8 ment for contingent liability of the Government which may accrue in the
9 event the Government should decide for its convenience to terminate the
10 contract before the end of the period of the contract. Facilities which may
11 be required in the performance of the contract may be constructed on Gov-
12 ernment-owned lands if there is included in the contract a provision under
13 which the Government may acquire title to the facilities, under terms and
14 conditions agreed upon in the contract, upon termination of the contract.

15 (b) **REPORTS TO CONGRESS.**—The Administrator shall in January of
16 each year report to the Committee on Science and the Committee on Appro-
17 priations of the House of Representatives and the Committee on Commerce,
18 Science, and Transportation and the Committee on Appropriations of the
19 Senate the projected aggregate contingent liability of the Government under
20 termination provisions of any contract authorized in this section through the
21 next fiscal year. The authority of the Administration to enter into and to
22 maintain the contract authorized hereunder shall remain in effect unless re-
23 pealed by legislation enacted by the Congress.

SECTION 513

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
513(a)	42:2463 (1st par.).	Pub. L. 95–76, § 6 (1st par.), July 30, 1977, 91 Stat. 315.
513(b)	42:2463 (last par.).	Pub. L. 95–76, § 6 (last par.), July 30, 1977, 91 Stat. 315; Pub. L. 103–437, § 15(c)(3), Nov. 2, 1994, 108 Stat. 4592.

In subsection (b), the words “Committee on Science” are substituted for “Committee on Science, Space, and Technology” because of section 1(a)(10) of Public Law 104–14 (109 Stat. 187).

In subsection (b), the word “hereafter” is omitted as unnecessary.

24 **§ 514. Award of contracts to small businesses and disadvan-**
25 **tagged individuals**

26 The Administrator shall annually establish a goal of at least 8 per centum
27 of the total value of prime and subcontracts awarded in support of author-
28 ized programs, including the space station by the time operational status
29 is obtained, which funds will be made available to small business concerns
30 or other organizations owned or controlled by socially and economically dis-
31 advantaged individuals (within the meaning of section 8(a)(5) and (6) of the
32 Small Business Act (15 U.S.C. 637(a)(5) and (6)), including Historically

1 Black Colleges and Universities and minority educational institutions (as de-
 2 fined by the Secretary of Education pursuant to the General Education Pro-
 3 visions Act (20 U.S.C. 1221 et seq.)).

SECTION 514

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
514	42:2473b (1st par.).	Pub. L. 101-144, title III, (last par. on p. 863), Nov. 9, 1989, 103 Stat. 863.

4 § 515. Foreign contract limitation

5 The Administration shall not enter into any agreement or contract with
 6 a foreign government that grants the foreign government the right to re-
 7 cover profit in the event that the agreement or contract is terminated.

SECTION 515

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
515	42:2475b.	Pub. L. 106-391, title III, § 305, Oct. 30, 2000, 114 Stat. 1592.

8 SUBCHAPTER III—COST EFFECTIVENESS

9 § 531. Requirement for independent cost analysis

10 (a) DEFINITION OF “PHASE B”.—In this section, the term “Phase B”
 11 means the latter stages of project formulation, during which the final defini-
 12 tion of a project is carried out and before project implementation (which
 13 includes the Design, Development, and Operations Phases) begins.

14 (b) REQUIREMENT.—Before any funds may be obligated for Phase B of
 15 a project that is projected to cost more than \$150,000,000 in total project
 16 costs, the Chief Financial Officer for the Administration shall conduct an
 17 independent life-cycle cost analysis of such project and shall report the re-
 18 sults to Congress. In developing cost accounting and reporting standards for
 19 carrying out this section, the Chief Financial Officer shall, to the extent
 20 practicable and consistent with other laws, solicit the advice of expertise out-
 21 side of the Administration.

SECTION 531

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
531	42:2459g.	Pub. L. 106-391, title III, § 301, Oct. 30, 2000, 114 Stat. 1591.

22 § 532. Cost effectiveness calculations

23 (a) DEFINITION OF “COMMERCIAL PROVIDER”.—In this section, the term
 24 “commercial provider” means a commercial provider as defined in section

1 3 of the National Aeronautics and Space Administration Authorization Act
2 of 2000 (Public Law 106–391, 114 Stat. 1579).

3 (b) IN GENERAL.—Except as otherwise required by law, in calculating the
4 cost effectiveness of the cost of the Administration engaging in an activity
5 as compared to a commercial provider, the Administrator shall compare the
6 cost of the Administration engaging in the activity using full cost account-
7 ing principles with the price the commercial provider will charge for such
8 activity.

SECTION 532

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
532(a)	(no source)	
532(b)	42:2459h.	Pub. L. 106–391, title III, § 304, Oct. 30, 2000, 114 Stat. 1592.

Subsection (a) is added to carry forward the applicable definition.

9 § 533. Use of abandoned and underutilized buildings, 10 grounds, and facilities

11 (a) DEFINITION OF “DEPRESSED COMMUNITIES”.—In this section, the
12 term “depressed communities” means rural and urban communities that are
13 relatively depressed, in terms of age of housing, extent of poverty, growth
14 of per capita income, extent of unemployment, job lag, or surplus labor.

15 (b) IN GENERAL.—In any case in which the Administrator considers the
16 purchase, lease, or expansion of a facility to meet requirements of the Ad-
17 ministration, the Administrator shall consider whether those requirements
18 could be met by the use of one of the following:

19 (1) Abandoned or underutilized buildings, grounds, and facilities in
20 depressed communities that can be converted to Administration usage
21 at a reasonable cost, as determined by the Administrator.

22 (2) Any military installation that is closed or being closed, or any
23 facility at such an installation.

24 (3) Any other facility or part of a facility that the Administrator de-
25 termines to be—

26 (A) owned or leased by the United States for the use of another
27 agency of the Federal Government; and

28 (B) considered by the head of the agency involved—

29 (i) to be excess to the needs of that agency; or

30 (ii) to be underutilized by that agency.

SECTION 533

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
533	42:2473d.	Pub. L. 106–391, title III, § 325, Oct. 30, 2000, 114 Stat. 1600.

SUBCHAPTER IV—AWARDS

§ 541. Congressional Space Medal of Honor

(a) **AUTHORITY TO AWARD.**—The President may award, and present in the name of Congress, a medal of appropriate design, which shall be known as the Congressional Space Medal of Honor, to any astronaut who in the performance of the astronaut's duties has distinguished himself or herself by exceptionally meritorious efforts and contributions to the welfare of the Nation and of humankind.

(b) **APPROPRIATIONS.**—There is authorized to be appropriated from time to time such sums of money as may be necessary to carry out the purposes of this section.

SECTION 541

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
541(a)	42:2461 (1st par.).	Pub. L. 91–76, § 1, Sept. 29, 1969, 83 Stat. 124.
541(b)	42:2461 (last par.).	Pub. L. 91–76, § 2, Sept. 29, 1969, 83 Stat. 124.

SUBCHAPTER V—USE OF SPACE SHUTTLE OR ALTERNATIVES

§ 551. Recovery of fair value of placing Department of Defense payloads in orbit with space shuttle

Notwithstanding any other provision of law, or any interagency agreement, the Administrator shall charge such prices as necessary to recover the fair value of placing Department of Defense payloads into orbit by means of the space shuttle.

SECTION 551

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
551	42:2464.	Pub. L. 97–324, title I, § 106(a), Oct. 15, 1982, 96 Stat. 1600.

§ 552. Payloads launched on Titan II launch vehicles

The Secretary of Defense and the Administrator will jointly determine which payloads will be launched on Titan II launch vehicles and certify by notice to the Congress that such launches are cost effective as compared to launches by the space shuttle and do not diminish the efficient and effective utilization of the space shuttle capability. This section may be waived only upon certification by the Secretary of Defense that certain classified payloads must be launched on the Titan II launch vehicle as opposed to the space shuttle, for national security reasons.

SECTION 552

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
552	42:2464a.	Pub. L. 99–190, § 101(b) [title VIII, § 8111], Dec. 19, 1985, 99 Stat. 1185, 1222.

1 **§ 553. Space shuttle use policy**

2 (a) USE POLICY.—

3 (1) IN GENERAL.—It shall be the policy of the United States to use
4 the space shuttle for purposes that (i) require a human presence, (ii)
5 require the unique capabilities of the space shuttle, or (iii) when other
6 compelling circumstances exist.

7 (2) COMPELLING CIRCUMSTANCES.—In this section, the term “com-
8 pelling circumstances” includes, but is not limited to, occasions when
9 the Administrator determines, in consultation with the Secretary of De-
10 fense and the Secretary of State, that important national security or
11 foreign policy interests would be served by a shuttle launch.

12 (3) USING AVAILABLE CARGO SPACE FOR SECONDARY PAYLOADS.—
13 The policy stated in paragraph (1) shall not preclude the use of avail-
14 able cargo space, on a space shuttle mission otherwise consistent with
15 the policy described under paragraph (1), for the purpose of carrying
16 secondary payloads (as defined by the Administrator) that do not re-
17 quire a human presence if such payloads are consistent with the re-
18 quirements of research, development, demonstration, scientific, com-
19 mercial, and educational programs authorized by the Administrator.

20 (b) ANNUAL REPORT.—At least annually, the Administrator shall submit
21 to the Congress a report certifying that the payloads scheduled to be
22 launched on the space shuttle for the next four years are consistent with
23 the policy set forth in subsection (a)(1). For each payload scheduled to be
24 launched from the space shuttle, which does not require a human presence,
25 the Administrator shall, in the certified report to Congress, state the spe-
26 cific circumstances which justified the use of the space shuttle. If, during
27 the period between scheduled reports to the Congress, any additions are
28 made to the list of certified payloads intended to be launched from the shut-
29 tle, the Administrator shall inform the Congress of the additions and the
30 reasons therefor within 45 days of the change.

31 (c) ADMINISTRATION PAYLOADS.—The report described in subsection (b)
32 shall also include those Administration payloads designed solely to fly on the
33 space shuttle which have begun the phase C/D of its development cycle.

SECTION 553

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
553(a)	42:2465a(a).	Pub. L. 101-611, title I, § 112(a), (c), (d), Nov. 16, 1990, 104 Stat. 3198, 3199.
553(b)	42:2465a(c).	
553(c)	42:2465a(d).	

In subsection (b), in the 2nd sentence, the word “does” is substituted for “do” to correct a grammatical error.

§ 554. Commercial payloads on space shuttle

(a) DEFINITIONS.—In this section:

(1) LAUNCH VEHICLE.—The term “launch vehicle” means any vehicle constructed for the purpose of operating in, or placing a payload in, outer space.

(2) PAYLOAD.—The term “payload” means an object which a person undertakes to place in outer space by means of a launch vehicle, and includes subcomponents of the launch vehicle specifically designed or adapted for that object.

(b) IN GENERAL.—Commercial payloads may not be accepted for launch as primary payloads on the space shuttle unless the Administrator determines that—

(1) the payload requires the unique capabilities of the space shuttle; or

(2) launching of the payload on the space shuttle is important for either national security or foreign policy purposes.

SECTION 554

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
554(a)	42:2465c.	Pub. L. 101-611, title II, § 203, Nov. 16, 1990, 104 Stat. 3206; Pub. L. 105-303, title II, § 203(2), Oct. 28, 1998, 112 Stat. 2855.
554(b)	42:2465f.	Pub. L. 101-611, title II, § 206, Nov. 16, 1990, 104 Stat. 3207; Pub. L. 105-303, title II, § 203(4), Oct. 28, 1998, 112 Stat. 2855.

In subsection (a), the words “this section” are substituted for “this title”, meaning title II of Public Law 101-611, because title II of Public Law 101-611 was previously repealed except for section 201 (a short title provision, classified to 42 U.S.C. 2451 note, in which neither defined term appears) and sections 203 (42 U.S.C. 2465c) and 206 (42 U.S.C. 2465f) of Public Law 101-611, which are restated in this section.

**SUBCHAPTER VI—SPACE TRANSPORTATION SYSTEM PRICING
POLICY**

§ 561. Congressional findings and declarations

The Congress finds and declares that—

(1) the Space Transportation System is a vital element of the United States space program, contributing to the United States leadership in space research, technology, and development;

(2) the Space Transportation System is the primary space launch system for both United States national security and civil government missions;

(3) the Space Transportation System contributes to the expansion of United States private sector investment and involvement in space and therefore should serve commercial users;

(4) the availability of the Space Transportation System to foreign users for peaceful purposes is an important means of promoting international cooperative activities in the national interest and in maintaining access to space for activities which enhance the security and welfare of humankind;

(5) the United States is committed to maintaining world leadership in space transportation;

(6) making the Space Transportation System fully operational and cost effective in providing routine access to space will maximize the national economic benefits of the system; and

(7) national goals and the objectives for the Space Transportation System can be furthered by a stable and fair pricing policy for the Space Transportation System.

SECTION 561

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
561	42:2466.	Pub. L. 99-170, title II, § 201, Dec. 5, 1985, 99 Stat. 1017.

§ 562. Purpose, policy, and goals

The purpose of this subchapter [sections 2466 to 2466e of this title] is to set the reimbursement pricing policy for the Space Transportation System for commercial and foreign users which is consistent with the findings included in section 561 [2466] of this title, encourages the full and effective use of space, and is designed to achieve the following goals—

(1) the preservation of the role of the United States as a leader in space research, technology, and development;

(2) the efficient and cost effective use of the Space Transportation System;

(3) the achievement of greatly increased commercial space activity; and

(4) the enhancement of the international competitive position of the United States.

SECTION 562

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
562	42:2466a.	Pub. L. 99-170, title II, § 202, Dec. 5, 1985, 99 Stat. 1017.

§ 563. Definition of “additive cost”

In this subchapter, the term “additive cost” means the average direct and indirect costs to the Administration of providing additional flights of the Space Transportation System beyond the costs associated with those flights

1 necessary to meet the space transportation needs of the United States Gov-
 2 ernment.

SECTION 563

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
563	42:2466b.	Pub. L. 99-170, title II, § 203, Dec. 5, 1985, 99 Stat. 1017.

The definition of “Administrator” in section 203(1) of the National Aeronautics and Space Administration Authorization Act of 1986 (Public Law 99-170, 99 Stat. 1017) is omitted as unnecessary because of the definition added by section 101 of title 51.

3 § 564. Duties of Administrator

4 (a) ESTABLISHMENT AND IMPLEMENTATION OF REIMBURSEMENT RE-
 5 COVERY SYSTEM.—The Administrator shall establish and implement a pric-
 6 ing system to recover reimbursement in accordance with the pricing policy
 7 under section 562 [2466a] of this title from each commercial or foreign user
 8 of the Space Transportation System, which except as provided in sub-
 9 sections (c), (d), and (e) shall include a base price of not less than
 10 \$74,000,000 for each flight of the Space Transportation System in 1982
 11 dollars.

12 (b) REPORTS TO CONGRESS.—Each year the Administrator shall submit
 13 to the President of the Senate, the Speaker of the House of Representatives,
 14 the Committee on Commerce, Science, and Transportation of the Senate,
 15 and the Committee on Science of the House of Representatives, a report,
 16 transmitted contemporaneously with the annual budget request of the Presi-
 17 dent, which shall inform the Congress how the policy goals contained in sec-
 18 tion 362 [2466a] of this title are being furthered by the shuttle price for
 19 foreign and commercial users.

20 (c) REDUCTION OF BASE PRICE.—

21 (1) AUTHORITY TO REDUCE.—If at any time the Administrator finds
 22 that the policy goals contained in section 562 [2466a] of this title are
 23 not being achieved, the Administrator shall have authority to reduce
 24 the base price established in subsection (a) after forty-five days fol-
 25 lowing receipt by the President of the Senate, the Speaker of the
 26 House, the Committee on Commerce, Science, and Transportation of
 27 the Senate, and the Committee on Science of the House of Representa-
 28 tives of a notice by the Administrator containing a description of the
 29 proposed reduction together with a full and complete statement of the
 30 facts and circumstances which necessitate such proposed reduction.

31 (2) MINIMUM PRICE.—In no case shall the minimum price estab-
 32 lished under subsection (c)(1) be less than additive cost.

(d) LOW OR NO-COST FLIGHTS.—The Administrator may set a price lower than the price determined under subsection (a) or (c), or provide no-cost flights, for any commercial or foreign user of the Space Transportation System who is involved in research, development or demonstration programs with the Administration.

(e) CUSTOMER INCENTIVES.—Notwithstanding the provisions of subsection (a), the Administrator shall have the authority to offer reasonable customer incentives consistent with the policy goals in section 562 [2466a] of this title.

SECTION 564

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
564	42:2466c.	Pub. L. 99–170, title II, § 204, Dec. 5, 1985, 99 Stat. 1017; Pub. L. 103–437, § 15(c)(5), Nov. 2, 1994, 108 Stat. 4592.

In subsections (b) and (c)(1), the words “Committee on Science” are substituted for “Committee on Science, Space, and Technology” because of section 1(a)(10) of Public Law 104–14 (109 Stat. 187).

SUBCHAPTER VII—EDUCATION AND RESEARCH

§ 571. Science, Space, and Technology Education Trust Fund

There is appropriated, by transfer from funds appropriated in the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1989, for “Construction of facilities”, the sum of \$15,000,000 to the “Science, Space, and Technology Education Trust Fund”, which is hereby established in the Treasury of the United States. The Secretary of the Treasury shall invest these funds in the United States Treasury special issue securities and interest shall be credited to the Trust Fund on a quarterly basis. Such interest shall be available for the purpose of making grants for programs directed at improving science, space, and technology education in the United States. The Administrator, after consultation with the Director of the National Science Foundation, shall review applications made for such grants and determine the distribution of available funds on a competitive basis. Grants shall be made available to any awardee only to the extent that the awardee provides matching funds from non-Federal sources to carry out the program for which grants from this Trust Fund are made. Of the funds made available by this Trust Fund, \$250,000 shall be disbursed each calendar quarter to the Challenger Center for Space Science Education. The Administrator shall submit to the Congress an annual report on the grants made pursuant to this section.

SECTION 571

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
571	42:2467.	Pub. L. 100-404, title II, (par. under heading "Science, Space, and Technology Education Trust Fund"), Aug. 19, 1988, 102 Stat. 1028; Pub. L. 103-327, title III, (5th complete par. on p. 2328), Sept. 28, 1994, 108 Stat. 2328.

In the first sentence, the words "the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1989" are substituted for "this Act" to clarify the reference.

In the second sentence, the words "of the Treasury" are inserted after "the Secretary" for clarity.

In the sixth sentence, the word "hereafter", which appeared after "each calendar quarter", is omitted as unnecessary.

1 **§ 572. National Aeronautics and Space Administration En-**
2 **deavor Teacher Fellowship Trust Fund**

3 (a) ESTABLISHMENT.—There is established in the Treasury of the United
4 States, in tribute to the dedicated crew of the Space Shuttle Challenger, a
5 trust fund to be known as the "National Aeronautics and Space Administra-
6 tion Endeavor Teacher Fellowship Trust Fund" (hereafter in this section
7 referred to as the "Trust Fund"). The Trust Fund shall consist of amounts
8 which may from time to time, at the discretion of the Administrator, be
9 transferred from the National Aeronautics and Space Administration Gifts
10 and Donations Trust Fund.

11 (b) INVESTMENT OF TRUST FUND.—The Administrator shall direct the
12 Secretary of the Treasury to invest and reinvest funds in the Trust Fund
13 in public debt securities with maturities suitable for the needs of the Trust
14 Fund, and bearing interest at rates determined by the Secretary of the
15 Treasury, taking into consideration the current average market yield on out-
16 standing marketable obligations of the United States of comparable matu-
17 rities. Interest earned shall be credited to the Trust Fund.

18 (c) PURPOSE.—Income accruing from the Trust Fund principal shall be
19 used to create the National Aeronautics and Space Administration Endeavor
20 Teacher Fellowship Program, to the extent provided in advance in appro-
21 priation Acts. The Administrator is authorized to use such funds to award
22 fellowships to selected United States nationals who are undergraduate stu-
23 dents pursuing a course of study leading to certified teaching degrees in ele-
24 mentary education or in secondary education in mathematics, science, or
25 technology disciplines. Awards shall be made pursuant to standards estab-
26 lished for the fellowship program by the Administrator.

SECTION 572

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
572	42:2467a.	Pub. L. 102-195, § 20, Dec. 9, 1991, 105 Stat. 1615.

In subsection (a), the words “The Trust Fund shall consist of amounts” are substituted for “The Trust Fund shall consist of gifts and donations accepted by the National Aeronautics and Space Administration pursuant to section 208 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476b), as well as other amounts” because under section 208 of the Act the authority to accept gifts or donations terminated five years after October 30, 1987.

§ 573. Experimental Program to Stimulate Competitive Research—merit grant competition requirements

(a) DEFINITION OF “ELIGIBLE STATE”.—In this section, the term “eligible State” means a State designated by the Administrator as eligible to compete in the Foundation’s Experimental Program to Stimulate Competitive Research.

(b) COMPETITION.—Making use of the existing infrastructure established in eligible States by the National Science Foundation, the Administrator shall conduct a merit grant competition among the eligible States in areas of research important to the mission of the Administration. With respect to a grant application by an eligible State, the Administrator shall consider—

(1) the application’s merit and relevance to the mission of the Administration;

(2) the potential for the grant to serve as a catalyst to enhance the ability of researchers in the State to become more competitive for regular Administration funding;

(3) the potential for the grant to improve the environment for science, mathematics, and engineering education in the State; and

(4) the need to assure the maximum distribution of grants among eligible States, consistent with merit.

(c) SUPPLEMENTAL GRANTS.—The Administrator shall endeavor, where appropriate, to supplement grants made under subsection (b) with such grants for fellowships, traineeships, equipment, or instrumentation as are available.

SECTION 573

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
573	42:2467b.	Pub. L. 102–588, title III, § 304, Nov. 4, 1992, 106 Stat. 5120.

§ 574. National Aeronautics and Space Administration Science and Technology Scholarship Program

(a) DEFINITIONS.—In this section:

(1) COST OF ATTENDANCE.—The term “cost of attendance” has the meaning given that term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).

(2) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(3) PROGRAM.—The term “Program” means the National Aeronautics and Space Administration Science and Technology Scholarship Program established under this section.

(b) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish a National Aeronautics and Space Administration Science and Technology Scholarship Program to award scholarships to individuals that is designed to recruit and prepare students for careers in the Administration.

(2) SELECTION BY COMPETITIVE PROCESS.—Individuals shall be selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit, with consideration given to financial need and the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

(3) CONTRACTUAL AGREEMENT TO SERVE AS FULL-TIME EMPLOYEE.—To carry out the Program the Administrator shall enter into contractual agreements with individuals selected under paragraph (2) under which the individuals agree to serve as full-time employees of the Administration, for the period described in subsection (g)(1), in positions needed by the Administration and for which the individuals are qualified, in exchange for receiving a scholarship.

(c) ELIGIBILITY.—In order to be eligible to participate in the Program, an individual must—

(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education, as a junior or senior undergraduate or graduate student, in an academic field or discipline described in the list made available under subsection (e);

(2) be a United States citizen or permanent resident; and

(3) at the time of the initial scholarship award, not be an employee (as defined in section 2105 of title 5).

(d) APPLICATION.—An individual seeking a scholarship under this section shall submit an application to the Administrator at such time, in such manner, and containing such information, agreements, or assurances as the Administrator may require.

(e) LIST OF ACADEMIC PROGRAMS AND FIELDS OF STUDY.—The Administrator shall make publicly available a list of academic programs and fields of study for which scholarships under the Program may be utilized and shall update the list as necessary.

(f) PROVIDING SCHOLARSHIPS.—

(1) REQUIRED ACADEMIC DEGREE PROGRAM.—The Administrator may provide a scholarship under the Program for an academic year if the individual applying for the scholarship has submitted to the Administrator, as part of the application required under subsection (d), a proposed academic program leading to a degree in a program or field of study on the list made available under subsection (e).

(2) FOUR-YEAR LIMITATION.—An individual may not receive a scholarship under this section for more than 4 academic years, unless the Administrator grants a waiver.

(3) AMOUNT.—The dollar amount of a scholarship under this section for an academic year shall be determined under regulations issued by the Administrator, but shall in no case exceed the cost of attendance.

(4) USE.—A scholarship provided under this section may be expended for tuition, fees, and other authorized expenses as established by the Administrator by regulation.

(5) DIRECT PAYMENTS TO INSTITUTIONS.—The Administrator may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.

(g) PERIOD OF SERVICE.—

(1) DURATION.—The period of service for which an individual shall be obligated to serve as an employee of the Administration is, except as provided in subsection (i)(2), 24 months for each academic year for which a scholarship under this section is provided.

(2) START DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), obligated service under paragraph (1) shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided.

(B) DEFERRAL.—The Administrator may defer the obligation of an individual to provide a period of service under paragraph (1) if the Administrator determines that such a deferral is appropriate. The Administrator shall prescribe the terms and conditions under which a service obligation may be deferred through regulation.

(h) BREACH AND LIABILITY FOR REPAYMENT.—

(1) FAILURE TO COMPLETE ACADEMIC PROGRAM.—Scholarship recipients who fail to maintain a high level of academic standing, as defined by the Administrator by regulation, who are dismissed from their

educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (i)(2). The repayment period may be extended by the Administrator when determined to be necessary, as established by regulation.

(2) FAILURE TO FULFILL SERVICE OBLIGATION.—Scholarship recipients who, for any reason, fail to begin or complete their service obligation after completion of academic training, or fail to comply with the terms and conditions of deferment established by the Administrator pursuant to subsection (g)(2)(B), shall be in breach of their contractual agreement. When recipients breach their agreements for the reasons stated in the preceding sentence, the recipient shall be liable to the United States for an amount equal to—

(A) the total amount of scholarships received by such individual under this section; plus

(B) the interest on the amounts of such awards which would be payable if at the time the awards were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States,

multiplied by 3.

(i) CANCELLATION, WAIVER, AND SUSPENSION OF OBLIGATIONS.—

(1) DEATH.—Any obligation of an individual incurred under the Program (or a contractual agreement thereunder) for service or payment shall be canceled upon the death of the individual.

(2) IMPOSSIBILITY OR EXTREME HARDSHIP.—The Administrator shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment incurred by an individual under the Program (or a contractual agreement thereunder) whenever compliance by the individual is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be contrary to the best interests of the Government.

(j) APPROPRIATIONS.—

(1) AUTHORIZATION.—There is authorized to be appropriated to the Administration for the Program \$10,000,000 for each fiscal year.

(2) AVAILABILITY.—Amounts appropriated under this section shall remain available for 2 fiscal years.

(k) TEMPORARY INTERNSHIPS.—The Administrator may provide temporary internships to full-time students enrolled in an undergraduate or post-graduate program leading to an advanced degree in an aerospace-related or aviation safety-related field of endeavor.

SECTION 574

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
574	42:2473e.	Pub. L. 108–176, title VII, § 703, Dec. 12, 2003, 117 Stat. 2579.

SUBCHAPTER VIII—SAFETY

§ 581. Drug and alcohol testing

(a) FINDINGS.—The Congress finds that—

(1) alcohol abuse and illegal drug use pose significant dangers to the safety and welfare of the Nation;

(2) the success of the United States civil space program is contingent upon the safe and successful development and deployment of the many varied components of that program;

(3) the greatest efforts must be expended to eliminate the abuse of alcohol and use of illegal drugs, whether on duty or off duty, by those individuals who are involved in the positions affecting safety, security, and national security;

(4) the use of alcohol and illegal drugs has been demonstrated to adversely affect the performance of individuals, and has been proven to have been a critical factor in accidents in the workplace;

(5) the testing of uniformed personnel of the Armed Forces has shown that the most effective deterrent to abuse of alcohol and use of illegal drugs is increased testing, including random testing;

(6) adequate safeguards can be implemented to ensure that testing for abuse of alcohol or use of illegal drugs is performed in a manner which protects an individual's right of privacy, ensures that no individual is harassed by being treated differently from other individuals, and ensures that no individual's reputation or career development is unduly threatened or harmed; and

(7) rehabilitation is a critical component of any testing program for abuse of alcohol or use of illegal drugs, and should be made available to individuals, as appropriate.

(b) DEFINITION OF “CONTROLLED SUBSTANCE”.—In this section, the term “controlled substance” means any substance under section 102(6) of

the Controlled Substances Act (21 U.S.C. 802(6)) specified by the Administrator.

(c) TESTING PROGRAM.—

(1) ESTABLISHMENT.—The Administrator shall establish a program applicable to employees of the Administration whose duties include responsibility for safety-sensitive, security, or national security functions. Such program shall provide for preemployment, reasonable suspicion, random, and post-accident testing for use, in violation of applicable law or Federal regulation, of alcohol or a controlled substance. The Administrator may also prescribe regulations, as the Administrator considers appropriate in the interest of safety, security, and national security, for the conduct of periodic recurring testing of such employees for such use in violation of applicable law or Federal regulation.

(2) REGULATIONS.—The Administrator shall, in the interest of safety, security, and national security, prescribe regulations. Such regulations shall establish a program which requires Administration contractors to conduct preemployment, reasonable suspicion, random, and post-accident testing of contractor employees responsible for safety-sensitive, security, or national security functions (as determined by the Administrator) for use, in violation of applicable law or Federal regulation, of alcohol or a controlled substance. The Administrator may also prescribe regulations, as the Administrator considers appropriate in the interest of safety, security, and national security, for the conduct of periodic recurring testing of such employees for such use in violation of applicable law or Federal regulation.

(3) SUSPENSION, DISQUALIFICATION, OR DISMISSAL.—In prescribing regulations under the programs required by this subsection, the Administrator shall require, as the Administrator considers appropriate, the suspension, disqualification, or dismissal of any employee to which paragraph (1) or (2) applies, in accordance with the provisions of this section, in any instance where a test conducted and confirmed under this section indicates that such employee has used, in violation of applicable law or Federal regulation, alcohol or a controlled substance.

(d) PROHIBITION ON SERVICE.—

(1) PROHIBITION UNLESS PROGRAM OF REHABILITATION COMPLETED.—No individual who is determined by the Administrator under this section to have used, in violation of applicable law or Federal regulation, alcohol or a controlled substance after December 9, 1991, shall serve as an Administration employee with responsibility for safety-sensitive, security, or national security functions (as determined by the Administrator), or as an Administration contractor employee with such

responsibility, unless such individual has completed a program of rehabilitation described in subsection (e).

(2) UNCONDITIONAL PROHIBITION.—Any such individual determined by the Administrator under this section to have used, in violation of applicable law or Federal regulation, alcohol or a controlled substance after December 9, 1991, who—

(A) engaged in such use while on duty;

(B) prior to such use had undertaken or completed a rehabilitation program described in subsection (e);

(C) following such determination refuses to undertake such a rehabilitation program; or

(D) following such determination fails to complete such a rehabilitation program,

shall not be permitted to perform the duties which such individual performed prior to the date of such determination.

(e) PROGRAM FOR REHABILITATION.—

(1) REGULATIONS AND AVAILABILITY OF PROGRAM FOR CONTRACTOR EMPLOYEES.—The Administrator shall prescribe regulations setting forth requirements for rehabilitation programs which at a minimum provide for the identification and opportunity for treatment of employees referred to in subsection (c) in need of assistance in resolving problems with the use, in violation of applicable law or Federal regulation, of alcohol or a controlled substance. Each contractor is encouraged to make such a program available to all of its employees in addition to those employees referred to in subsection (c)(2). The Administrator shall determine the circumstances under which such employees shall be required to participate in such a program. Nothing in this subsection shall preclude any Administration contractor from establishing a program under this subsection in cooperation with any other such contractor.

(2) ESTABLISHMENT AND MAINTENANCE OF PROGRAM FOR ADMINISTRATION EMPLOYEES.—The Administrator shall establish and maintain a rehabilitation program which at a minimum provides for the identification and opportunity for treatment of those employees of the Administration whose duties include responsibility for safety-sensitive, security, or national security functions who are in need of assistance in resolving problems with the use of alcohol or controlled substances.

(f) PROCEDURES FOR TESTING.—In establishing the programs required under subsection (c), the Administrator shall develop requirements which shall—

1 (1) promote, to the maximum extent practicable, individual privacy
2 in the collection of specimen samples;

3 (2) with respect to laboratories and testing procedures for controlled
4 substances, incorporate the Department of Health and Human Services
5 scientific and technical guidelines dated April 11, 1988, and any subse-
6 quent amendments thereto, including mandatory guidelines which—

7 (A) establish comprehensive standards for all aspects of labora-
8 tory controlled substances testing and laboratory procedures to be
9 applied in carrying out this section, including standards which re-
10 quire the use of the best available technology for ensuring the full
11 reliability and accuracy of controlled substances tests and strict
12 procedures governing the chain of custody of specimen samples
13 collected for controlled substances testing;

14 (B) establish the minimum list of controlled substances for
15 which individuals may be tested; and

16 (C) establish appropriate standards and procedures for periodic
17 review of laboratories and criteria for certification and revocation
18 of certification of laboratories to perform controlled substances
19 testing in carrying out this section;

20 (3) require that all laboratories involved in the controlled substances
21 testing of any individual under this section shall have the capability
22 and facility, at such laboratory, of performing screening and confirma-
23 tion tests;

24 (4) provide that all tests which indicate the use, in violation of appli-
25 cable law or Federal regulation, of alcohol or a controlled substance by
26 any individual shall be confirmed by a scientifically recognized method
27 of testing capable of providing quantitative data regarding alcohol or
28 a controlled substance;

29 (5) provide that each specimen sample be subdivided, secured, and
30 labelled in the presence of the tested individual and that a portion
31 thereof be retained in a secure manner to prevent the possibility of
32 tampering, so that in the event the individual's confirmation test re-
33 sults are positive the individual has an opportunity to have the retained
34 portion assayed by a confirmation test done independently at a second
35 certified laboratory if the individual requests the independent test with-
36 in 3 days after being advised of the results of the initial confirmation
37 test;

38 (6) ensure appropriate safeguards for testing to detect and quantify
39 alcohol in breath and body fluid samples, including urine and blood,
40 through the development of regulations as may be necessary and in
41 consultation with the Department of Health and Human Services;

(7) provide for the confidentiality of test results and medical information of employees; and

(8) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

(g) EFFECT ON OTHER LAWS AND REGULATIONS.—

(1) CONSISTENCY WITH FEDERAL REGULATION.—No State or local government shall adopt or have in effect any law, rule, regulation, ordinance, standard, or order that is inconsistent with the regulations promulgated under this section.

(2) CONTINUANCE OF REGULATIONS ISSUED BEFORE DECEMBER 9, 1991.—Nothing in this section shall be construed to restrict the discretion of the Administrator to continue in force, amend, or further supplement any regulations issued before December 9, 1991, that govern the use of alcohol and controlled substances by Administration employees with responsibility for safety-sensitive, security, and national security functions (as determined by the Administrator), or by Administration contractor employees with such responsibility.

SECTION 581

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
581	42:2473c(b)–(h).	Pub. L. 102–195, § 21(b)–(h), Dec. 9, 1991, 105 Stat. 1616.

In subsection (c)(2), the words “within 18 months after the date of enactment of this Act” are omitted as unnecessary.

In subsections (d)(1) and (2) and (g)(2), the date “December 9, 1991” is substituted for “the date of enactment of this Act” to reflect the date of enactment of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1992 (Public Law 102–195, 105 Stat. 1605).

§ 582. Aerospace Safety Advisory Panel

There is hereby established an Aerospace Safety Advisory Panel consisting of a maximum of nine members who shall be appointed by the Administrator for terms of six years each. The Panel shall review safety studies and operations plans referred to it and shall make reports thereon, shall advise the Administrator with respect to the hazards of proposed or existing facilities and proposed operations and with respect to the adequacy of proposed or existing safety standards and shall perform such other duties as the Administrator may request. One member shall be designated by the Panel as its Chairman. Members of the Panel who are officers or employees of the Federal Government shall receive no compensation for their services as such, but shall be allowed necessary travel expenses (or in the alternative, mileage for use of privately owned vehicles and a per diem in lieu of subsistence not to exceed the rates and amounts prescribed in sections 5702, 5704

1 of title 5), and other necessary expenses incurred by them in the perform-
 2 ance of duties vested in the Panel, without regard to the provisions of sub-
 3 chapter I, chapter 57 of title 5, the Standardized Government Travel Regu-
 4 lations, or section 5731 of title 5. Members of the Panel appointed from
 5 outside the Federal Government shall each receive compensation at a rate
 6 not to exceed the per diem rate equivalent to the maximum rate payable
 7 under section 5376 of title 5 for each day such member is engaged in the
 8 actual performance of duties vested in the Panel in addition to reimburse-
 9 ment for travel, subsistence, and other necessary expenses in accordance
 10 with the provisions of the foregoing sentence. Not more than four such
 11 members shall be chosen from among the officers and employees of the Ad-
 12 ministration.

SECTION 582

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
582	42:2477.	Pub. L. 90-67, § 6, Aug. 21, 1967, 81 Stat. 170; Pub. L. 94-307, § 8, June 4, 1976, 90 Stat. 681; Pub. L. 99-234, title I, § 107(f), Jan. 2, 1986, 99 Stat. 1759.

The words “maximum rate payable under section 5376 of title 5” are substituted for “rate for GS-18” because of section 101(c) of the Federal Employees Pay Comparability Act of 1990 (Public Law 101-509, 5 U.S.C. 5376 note).

13 SUBCHAPTER IX—COMPETITIVENESS AND INTERNATIONAL
 14 COOPERATION

15 **§ 591. Competitiveness and international cooperation**

16 (a) LIMITATION.—

17 (1) SOLICITATION OF COMMENT.—As part of the evaluation of the
 18 costs and benefits of entering into an obligation to conduct a space
 19 mission in which a foreign entity will participate as a supplier of the
 20 spacecraft, spacecraft system, or launch system, the Administrator
 21 shall solicit comment on the potential impact of such participation
 22 through notice published in Commerce Business Daily at least 45 days
 23 before entering into such an obligation.

24 (2) AGREEMENTS WITH PEOPLE’S REPUBLIC OF CHINA.—The Ad-
 25 ministrator shall certify to the Congress at least 15 days in advance
 26 of any cooperative agreement with the People’s Republic of China, or
 27 any company owned by the People’s Republic of China or incorporated
 28 under the laws of the People’s Republic of China, involving spacecraft,
 29 spacecraft systems, launch systems, or scientific or technical informa-
 30 tion that—

31 (A) the agreement is not detrimental to the United States space
 32 launch industry; and

(B) the agreement, including any indirect technical benefit that could be derived from the agreement, will not improve the missile or space launch capabilities of the People's Republic of China.

(3) ANNUAL AUDIT.—The Inspector General of the Administration, in consultation with appropriate agencies, shall conduct an annual audit of the policies and procedures of the Administration with respect to the export of technologies and the transfer of scientific and technical information, to assess the extent to which the Administration is carrying out its activities in compliance with Federal export control laws and with paragraph (2).

(b) NATIONAL INTERESTS.—Before entering into an obligation described in subsection (a), the Administrator shall consider the national interests of the United States described in section 2(6) of the National Aeronautics and Space Administration Authorization Act of 2000 (Public Law 106–391, 114 Stat. 1578).

SECTION 591

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
591	42:2475a.	Pub. L. 106–391, title I, § 126, Oct. 30, 2000, 114 Stat. 1585.

In subsection (b), the words “of the National Aeronautics and Space Administration Authorization Act of 2000 (Public Law 106–391, 114 Stat. 1578)” are added to clarify the reference.

CHAPTER 7—NATIONAL SPACE GRANT COLLEGE AND FELLOWSHIP PROGRAM

Sec.

- 701. Congressional statement of findings. [2486]
- 702. Congressional statement of purposes. [2486a]
- 703. Definitions. [2486b]
- 704. National space grant college and fellowship program. [2486c]
- 705. Grants or contracts. [2486d]
- 706. Specific national needs. [2486e]
- 707. Space grant college and space grant regional consortium. [2486f]
- 708. Space grant fellowship program. [2486g]
- 709. Space grant review panel. [2486h]
- 710. Availability of other Federal personnel and data. [2486i]
- 711. Designation or award to be on competitive basis. [2486k]

§ 701. Congressional statement of findings

The Congress finds that—

(1) the vitality of the Nation and the quality of life of the citizens of the Nation depend increasingly on the understanding, assessment, development, and utilization of space resources;

(2) research and development of space science, space technology, and space commercialization will contribute to the quality of life, national security, and the enhancement of commerce;

(3) the understanding and development of the space frontiers require a broad commitment and an intense involvement on the part of the Federal Government in partnership with State and local governments, private industry, universities, organizations, and individuals concerned with the exploration and utilization of space;

(4) the Administration, through the national space grant college and fellowship program, offers the most suitable means for such commitment and involvement through the promotion of activities that will result in greater understanding, assessment, development, and utilization; and

(5) Federal support of the establishment, development, and operation of programs and projects by space grant colleges, space grant regional consortia, institutions of higher education, institutes, laboratories, and other appropriate public and private entities is the most cost-effective way to promote such activities.

SECTION 701

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
701	42:2486.	Pub. L. 100-147, title II, § 202, Oct. 30, 1987, 101 Stat. 869.

§ 702. Congressional statement of purposes

The purposes of this chapter are to—

(1) increase the understanding, assessment, development, and utilization of space resources by promoting a strong educational base, responsive research and training activities, and broad and prompt dissemination of knowledge and techniques;

(2) utilize the abilities and talents of the universities of the Nation to support and contribute to the exploration and development of the resources and opportunities afforded by the space environment;

(3) encourage and support the existence of interdisciplinary and multidisciplinary programs of space research within the university community of the Nation, to engage in integrated activities of training, research and public service, to have cooperative programs with industry, and to be coordinated with the overall program of the Administration;

(4) encourage and support the existence of consortia, made up of university and industry members, to advance the exploration and development of space resources in cases in which national objectives can be better fulfilled than through the programs of single universities;

(5) encourage and support Federal funding for graduate fellowships in fields related to space; and

(6) support activities in colleges and universities generally for the purpose of creating and operating a network of institutional programs that will enhance achievements resulting from efforts under this chapter.

SECTION 702

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
702	42:2486a.	Pub. L. 100-147, title II, §203, Oct. 30, 1987, 101 Stat. 869.

§ 703. Definitions

In this chapter:

(1) AERONAUTICAL AND SPACE ACTIVITIES.—The term “aeronautical and space activities” has the meaning given to such term in section 303 [2452(1)] of this title.

(2) FIELD RELATED TO SPACE.—The term “field related to space” means any academic discipline or field of study (including the physical, natural, and biological sciences, and engineering, space technology, education, economics, sociology, communications, planning, law, international affairs, and public administration) which is concerned with or likely to improve the understanding, assessment, development, and utilization of space.

(3) PANEL.—The term “panel” means the space grant review panel established pursuant to section 709 [2486h] of this title.

(4) PERSON.—The term “person” means any individual, any public or private corporation, partnership, or other association or entity (including any space grant college, space grant regional consortium, institution of higher education, institute, or laboratory), or any State, political subdivision of a State, or agency or officer of a State or political subdivision of a State.

(5) SPACE ENVIRONMENT.—The term “space environment” means the environment beyond the sensible atmosphere of the Earth.

(6) SPACE GRANT COLLEGE.—The term “space grant college” means any public or private institution of higher education which is designated as such by the Administrator pursuant to section 707 [2486f] of this title.

(7) SPACE GRANT PROGRAM.—The term “space grant program” means any program which—

(A) is administered by any space grant college, space grant regional consortium, institution of higher education, institute, laboratory, or State or local agency; and

(B) includes two or more projects involving education and one or more of the following activities in the fields related to space—

- (i) research;
- (ii) training; or
- (iii) advisory services.

(8) SPACE GRANT REGIONAL CONSORTIUM.—The term “space grant regional consortium” means any association or other alliance which is designated as such by the Administrator pursuant to section 707 [2486f] of this title.

(9) SPACE RESOURCE.—The term “space resource” means any tangible or intangible benefit which can only be realized from—

- (A) aeronautical and space activities; or
- (B) advancements in any field related to space.

(10) STATE.—The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

SECTION 703

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
703	42:2486b.	Pub. L. 100-147, title II, § 204, Oct. 30, 1987, 101 Stat. 870.

The definitions of “Administration” and “Administrator” in section 204 of the National Space Grant College and Fellowship Act (Public Law 100-147, title II, 101 Stat. 870) are omitted as unnecessary because of the definitions added by section 101 of title 51.

§ 704. National space grant college and fellowship program

(a) ESTABLISHMENT.—The Administrator shall establish and maintain, within the Administration, a program to be known as the national space grant college and fellowship program. The national space grant college and fellowship program shall consist of the financial assistance and other activities provided for in this chapter. The Administrator shall establish long-range planning guidelines and priorities, and adequately evaluate the program.

(b) FUNCTIONS.—Within the Administration, the program shall—

- (1) apply the long-range planning guidelines and the priorities established by the Administrator under subsection (a);
- (2) advise the Administrator with respect to the expertise and capabilities which are available through the national space grant college and fellowship program, and make such expertise available to the Administration as directed by the Administrator;

(3) evaluate activities conducted under grants and contracts awarded pursuant to sections 705 and 706 [2486d and 2486e] of this title to assure that the purposes set forth in section 702 [2486a] of this title are implemented;

(4) encourage other Federal departments, agencies, and instrumentalities to use and take advantage of the expertise and capabilities which are available through the national space grant college and fellowship program, on a cooperative or other basis;

(5) encourage cooperation and coordination with other Federal programs concerned with the development of space resources and fields related to space;

(6) advise the Administrator on the designation of recipients supported by the national space grant college and fellowship program and, in appropriate cases, on the termination or suspension of any such designation; and

(7) encourage the formation and growth of space grant and fellowship programs.

(c) GENERAL AUTHORITIES.—To carry out the provisions of this chapter, the Administrator may—

(1) accept conditional or unconditional gifts or donations of services, money, or property, real, personal or mixed, tangible or intangible;

(2) accept and use funds from other Federal departments, agencies, and instrumentalities to pay for fellowships, grants, contracts, and other transactions; and

(3) issue such rules and regulations as may be necessary and appropriate.

SECTION 704

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
704	42:2486c.	Pub. L. 100-147, title II, §205, Oct. 30, 1987, 101 Stat. 871.

§ 705. Grants or contracts

(a) AUTHORITY OF ADMINISTRATOR.—The Administrator may make grants and enter into contracts or other transactions under this subsection to assist any space grant and fellowship program or project if the Administrator finds that such program or project will carry out the purposes set forth in section 702 [2486a] of this title. The total amount paid pursuant to any such grant or contract may equal 66 percent, or any lesser percent, of the total cost of the space grant and fellowship program or project involved, except that this limitation shall not apply in the case of grants or

1 contracts paid for with funds accepted by the Administrator pursuant to
2 section 704(c)(2) [2486c(c)(2)] of this title.

3 (b) SPECIAL GRANTS.—The Administrator may make special grants
4 under this subsection to carry out the purposes set forth in section 702
5 [2486a] of this title. The amount of any such grant may equal 100 percent,
6 or any lesser percent, of the total cost of the project involved. No grant may
7 be made under this subsection, unless the Administrator finds that—

8 (1) no reasonable means is available through which the applicant can
9 meet the matching requirement for a grant under subsection (a);

10 (2) the probable benefit of such project outweighs the public interest
11 in such matching requirement; and

12 (3) the same or equivalent benefit cannot be obtained through the
13 award of a contract or grant under subsection (a) or section 706
14 [2486e] of this title.

15 (c) APPLICATION.—Any person may apply to the Administrator for a
16 grant or contract under this section. Application shall be made in such form
17 and manner, and with such content and other submissions, as the Adminis-
18 trator shall by regulation prescribe.

19 (d) TERMS AND CONDITIONS.—

20 (1) IN GENERAL.—Any grant made, or contract entered into, under
21 this section shall be subject to the limitations and provisions set forth
22 in paragraphs (2) and (3) and to such other terms, conditions and re-
23 quirements as the Administrator considers necessary or appropriate.

24 (2) LIMITATIONS.—No payment under any grant or contract under
25 this section may be applied to—

26 (A) the purchase of any land;

27 (B) the purchase, construction, preservation, or repair of any
28 building; or

29 (C) the purchase or construction of any launch facility or launch
30 vehicle.

31 (3) LEASES.—Notwithstanding paragraph (2), the items in subpara-
32 graphs (A), (B), and (C) of such paragraph may be leased upon writ-
33 ten approval of the Administrator.

34 (4) RECORDS.—Any person who receives or utilizes any proceeds of
35 any grant or contract under this section shall keep such records as the
36 Administrator shall by regulation prescribe as being necessary and ap-
37 propriate to facilitate effective audit and evaluation, including records
38 which fully disclose the amount and disposition by such recipient of
39 such proceeds, the total cost of the program or project in connection
40 with which such proceeds were used, and the amount, if any, of such
41 cost which was provided through other sources. Such records shall be

1 maintained for three years after the completion of such a program or
 2 project. The Administrator and the Comptroller General of the United
 3 States, or any of their duly authorized representatives, shall have ac-
 4 cess, for the purpose of audit and evaluation, to any books, documents,
 5 papers and records of receipts which, in the opinion of the Adminis-
 6 trator or the Comptroller General, may be related or pertinent to such
 7 grants and contracts.

SECTION 705

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
705	42:2486d.	Pub. L. 100-147, title II, § 206, Oct. 30, 1987, 101 Stat. 872.

8 § 706. Specific national needs

9 (a) IDENTIFICATION OF SPECIFIC NEEDS AND GRANT-MAKING AND CON-
 10 TRACTING AUTHORITY.—The Administrator shall identify specific national
 11 needs and problems relating to space. The Administrator may make grants
 12 or enter into contracts under this section with respect to such needs or
 13 problems. The amount of any such grant or contract may equal 100 per-
 14 cent, or any lesser percent, of the total cost of the project involved.

15 (b) APPLICATIONS FOR GRANTS OR CONTRACTS.—Any person may apply
 16 to the Administrator for a grant or contract under this section. In addition,
 17 the Administrator may invite applications with respect to specific national
 18 needs or problems identified under subsection (a). Application shall be made
 19 in such form and manner, and with such content and other submissions,
 20 as the Administrator shall by regulation prescribe. Any grant made, or con-
 21 tract entered into, under this section shall be subject to the limitations and
 22 provisions set forth in section 705(d)(2) and (4) [2486d(d)(2) and (4)] of
 23 this title and to such other terms, conditions, and requirements as the Ad-
 24 ministrator considers necessary or appropriate.

SECTION 706

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
706	42:2486e.	Pub. L. 100-147, title II, § 207, Oct. 30, 1987, 101 Stat. 873.

25 § 707. Space grant college and space grant regional consor- 26 tium

27 (a) DESIGNATION AND QUALIFICATIONS.—

28 (1) AUTHORITY TO DESIGNATE.—The Administrator may des-
 29 ignate—

30 (A) any institution of higher education as a space grant college;
 31 and

1 (B) any association or other alliance of two or more persons,
 2 other than individuals, as a space grant regional consortium.

3 (2) SPACE GRANT COLLEGE REQUIREMENTS.—No institution of
 4 higher education may be designated as a space grant college, unless the
 5 Administrator finds that such institution—

6 (A) is maintaining a balanced program of research, education,
 7 training, and advisory services in fields related to space;

8 (B) will act in accordance with such guidelines as are prescribed
 9 under subsection (b)(2); and

10 (C) meets such other qualifications as the Administrator con-
 11 siderers necessary or appropriate.

12 (3) SPACE GRANT REGIONAL CONSORTIUM REQUIREMENTS.—No as-
 13 sociation or other alliance of two or more persons may be designated
 14 as a space grant regional consortium, unless the Administrator finds
 15 that such association or alliance—

16 (A) is established for the purpose of sharing expertise, research,
 17 educational facilities or training facilities, and other capabilities in
 18 order to facilitate research, education, training, and advisory serv-
 19 ices, in any field related to space;

20 (B) will encourage and follow a regional approach to solving
 21 problems or meeting needs relating to space, in cooperation with
 22 appropriate space grant colleges, space grant programs, and other
 23 persons in the region;

24 (C) will act in accordance with such guidelines as are prescribed
 25 under subsection (b)(2); and

26 (D) meets such other qualifications as the Administrator con-
 27 siderers necessary or appropriate.

28 (b) QUALIFICATIONS AND GUIDELINES.—The Administrator shall by reg-
 29 ulation prescribe—

30 (1) the qualifications required to be met under subsection (a)(2)(C)
 31 and (3)(D); and

32 (2) guidelines relating to the activities and responsibilities of space
 33 grant colleges and space grant regional consortia.

34 (c) SUSPENSION OR TERMINATION OF DESIGNATION.—The Administrator
 35 may, for cause and after an opportunity for hearing, suspend or terminate
 36 any designation under subsection (a).

SECTION 707

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
707	42:2486f.	Pub. L. 100-147, title II, § 208, Oct. 30, 1987, 101 Stat. 873.

1 **§ 708. Space grant fellowship program**

2 (a) AWARD OF FELLOWSHIPS.—The Administrator shall support a space
3 grant fellowship program to provide educational and training assistance to
4 qualified individuals at the graduate level of education in fields related to
5 space. Such fellowships shall be awarded pursuant to guidelines established
6 by the Administrator. Space grant fellowships shall be awarded to individ-
7 uals at space grant colleges, space grant regional consortia, other colleges
8 and institutions of higher education, professional associations, and institutes
9 in such a manner as to assure wide geographic and institutional diversity
10 in the pursuit of research under the fellowship program.

11 (b) LIMITATION ON AMOUNT PROVIDED.—The total amount which may
12 be provided for grants under the space grant fellowship program during any
13 fiscal year shall not exceed an amount equal to 50 percent of the total funds
14 appropriated for such year pursuant to this chapter.

15 (c) AUTHORITY TO SPONSOR OTHER RESEARCH FELLOWSHIP PROGRAMS
16 UNAFFECTED.—Nothing in this section shall be construed to prohibit the
17 Administrator from sponsoring any research fellowship program, including
18 any special emphasis program, which is established under an authority other
19 than this chapter.

SECTION 708

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
708	42:2486g.	Pub. L. 100-147, title II, § 209, Oct. 30, 1987, 101 Stat. 874.

20 **§ 709. Space grant review panel**

21 (a) ESTABLISHMENT.—The Administrator shall establish an independent
22 committee known as the space grant review panel, which shall not be subject
23 to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

24 (b) DUTIES.—The panel shall take such steps as may be necessary to re-
25 view, and shall advise the Administrator with respect to—

26 (1) applications or proposals for, and performance under, grants and
27 contracts awarded pursuant to sections 705 and 706 [2486d and
28 2486e] of this title;

29 (2) the space grant fellowship program;

30 (3) the designation and operation of space grant colleges and space
31 grant regional consortia, and the operation of space grant and fellow-
32 ship programs;

33 (4) the formulation and application of the planning guidelines and
34 priorities pursuant to section 704(a) and (b)(1) [2486c(a) and (b)(1)]
35 of this title; and

1 (5) such other matters as the Administrator refers to the panel for
2 review and advice.

3 (c) PERSONNEL AND ADMINISTRATIVE SERVICES.—The Administrator
4 shall make available to the panel any information, personnel and adminis-
5 trative services and assistance which is reasonable to carry out the duties
6 of the panel.

7 (d) MEMBERS.—

8 (1) APPOINTMENT.—The Administrator shall appoint the voting
9 members of the panel. A majority of the voting members shall be indi-
10 viduals who, by reason of knowledge, experience, or training, are espe-
11 cially qualified in one or more of the disciplines and fields related to
12 space. The other voting members shall be individuals who, by reason
13 of knowledge, experience or training, are especially qualified in, or rep-
14 resentative of, education, extension services, State government, indus-
15 try, economics, planning, or any other activity related to efforts to en-
16 hance the understanding, assessment, development, or utilization of
17 space resources. The Administrator shall consider the potential conflict
18 of interest of any individual in making appointments to the panel.

19 (2) CHAIRMAN AND VICE CHAIRMAN.—The Administrator shall select
20 one voting member to serve as the Chairman and another voting mem-
21 ber to serve as the Vice Chairman. The Vice Chairman shall act as
22 Chairman in the absence or incapacity of the Chairman.

23 (3) REIMBURSEMENT FOR EXPENSES.—Voting members of the panel
24 who are not Federal employees shall be reimbursed for actual and rea-
25 sonable expenses incurred in the performance of such duties.

26 (4) MEETINGS.—The panel shall meet on a biannual basis and, at
27 any other time, at the call of the Chairman or upon the request of a
28 majority of the voting members or of the Administrator.

29 (5) POWERS.—The panel may exercise such powers as are reasonably
30 necessary in order to carry out the duties enumerated in subsection (b).

SECTION 709

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
709	42:2486h.	Pub. L. 100-147, title II, § 210, Oct. 30, 1987, 101 Stat. 874.

In subsection (a), the word “provisions” is substituted for “provisons” to correct an error in the law.

31 § 710. Availability of other Federal personnel and data

32 Each department, agency or other instrumentality of the Federal Govern-
33 ment which is engaged in or concerned with, or which has authority over,
34 matters relating to space—

(1) may, upon a written request from the Administrator, make available, on a reimbursable basis or otherwise, any personnel (with their consent and without prejudice to their position and rating), service, or facility which the Administrator considers necessary to carry out any provision of this chapter;

(2) may, upon a written request from the Administrator, furnish any available data or other information which the Administrator considers necessary to carry out any provision of this chapter; and

(3) may cooperate with the Administration.

SECTION 710

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
710	42:2486i.	Pub. L. 100-147, title II, § 211, Oct. 30, 1987, 101 Stat. 875.

§ 711. Designation or award to be on competitive basis

The Administrator shall not under this chapter designate any space grant college or space grant regional consortium or award any fellowship, grant, or contract unless such designation or award is made in accordance with the competitive, merit-based review process employed by the Administration on October 30, 1987.

SECTION 711

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
711	42:2486k.	Pub. L. 100-147, title II, § 213, Oct. 30, 1987, 101 Stat. 875.

The date “October 30, 1987” is substituted for “the date of enactment of this Act” to reflect the date of enactment of the National Space Grant College and Fellowship Act, which is title II of the National Aeronautics and Space Administration Authorization Act of 1988 (Public Law 100-147, 101 Stat. 860).

CHAPTER 9—BIOMEDICAL RESEARCH IN SPACE

Sec.

901. Findings. [2487]

902. Biomedical research joint working group. [2487a]

903. Biomedical research grants. [2487b]

904. Biomedical research fellowships. [2487c]

905. Establishment of electronic data archive. [2487e]

906. Establishment of emergency medical service telemedicine capability. [2487f]

§ 901. Findings

The Congress finds that—

(1) the space program can make significant contributions to selected areas of health-related research and should be an integral part of the Nation’s health research and development program;

(2) the continuing development of trained scientists and engineers is essential to carrying out an effective and sustained program of biomedical research in space and on the ground;

(3) the establishment and maintenance of an electronically accessible archive of data on space-related biomedical research is essential to advancement of the field;

(4) cooperation with the republics of the former Soviet Union, including use of former Soviet orbital facilities, offers the potential for greatly enhanced biomedical research activities and progress; and

(5) the establishment and maintenance of an international telemedicine consultation satellite capability to support emergency medical service provision can provide an important aid to disaster relief efforts.

SECTION 901

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
901	42:2487.	Pub. L. 102-588, title VI, § 601, Nov. 4, 1992, 106 Stat. 5130.

13 § 902. Biomedical research joint working group

14 (a) ESTABLISHMENT.—The Administrator and the Director of the Na-
15 tional Institutes of Health shall jointly establish a working group to coordi-
16 nate biomedical research activities in areas where a microgravity environ-
17 ment may contribute to significant progress in the understanding and treat-
18 ment of diseases and other medical conditions. The joint working group
19 shall formulate joint and complementary programs in such areas of re-
20 search.

21 (b) MEMBERSHIP.—The joint working group shall include equal represen-
22 tation from the Administration and the National Institutes of Health, and
23 shall include representation from National Institutes of Health councils, as
24 selected by the Director of the National Institutes of Health, and from the
25 National Aeronautics and Space Administration Advisory Council.

26 (c) ANNUAL REPORTING REQUIREMENT.—The joint working group shall
27 report annually to Congress on its progress in carrying out this section.

28 (d) ANNUAL BIOMEDICAL RESEARCH SYMPOSIA.—The working group
29 shall organize annual symposia on biomedical research described in sub-
30 section (a) under the joint sponsorship of the Administration and the Na-
31 tional Institutes of Health.

SECTION 902

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
902	42:2487a.	Pub. L. 102-588, title VI, § 602, Nov. 4, 1992, 106 Stat. 5130.

§ 903. Biomedical research grants

(a) ESTABLISHMENT OF PROGRAM.—The Administrator and the Director of the National Institutes of Health shall establish a joint program of biomedical research grants in areas described in section 902(a) [2487a(a)] of this title, where such research requires access to a microgravity environment. Such program shall be consistent with actions taken by the joint working group under section 902 [2487a] of this title.

(b) RESEARCH OPPORTUNITY ANNOUNCEMENTS.—The grants program established under subsection (a) shall annually issue joint research opportunity announcements under the sponsorship of the National Institutes of Health and the Administration. Responses to the announcements shall be evaluated by a peer review committee whose members shall be selected by the Director of the National Institutes of Health and the Administrator, and shall include individuals not employed by the Administration or the National Institutes of Health.

SECTION 903

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
903	42:2487b.	Pub. L. 102–588, title VI, § 603, Nov. 4, 1992, 106 Stat. 5130.

§ 904. Biomedical research fellowships

The Administrator and the Director of the National Institutes of Health shall create a joint program of graduate research fellowships in biomedical research described in section 902(a) [2487a(a)] of this title. Fellowships under such program may provide for participation in approved research conferences and symposia.

SECTION 904

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
904	42:2487c.	Pub. L. 102–588, title VI, § 604, Nov. 4, 1992, 106 Stat. 5131.

§ 905. Establishment of electronic data archive

The Administrator shall create and maintain a national electronic data archive for biomedical research data obtained from space-based experiments.

SECTION 905

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
905	42:2487e.	Pub. L. 102–588, title VI, § 606, Nov. 4, 1992, 106 Stat. 5131.

1 **§ 906. Establishment of emergency medical service telemedi-**
 2 **cine capability**

3 The Administrator shall with the Director of the Federal Emergency
 4 Management Agency, the Director of the Office of Foreign Disaster, and
 5 the Surgeon General of the United States jointly create and maintain an
 6 international telemedicine satellite consultation capability to support emer-
 7 gency medical services in disaster-stricken areas.

SECTION 906

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
906	42:2487f.	Pub. L. 102-588, title VI, § 607, Nov. 4, 1992, 106 Stat. 5131.

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9 SUBCHAPTER I—FINDINGS AND DEFINITIONS

10 **§ 1101. Findings**

11 The Congress finds and declares the following:

(1) The continuous collection and utilization of land remote sensing data from space are of major benefit in studying and understanding human impacts on the global environment, in managing the Earth's natural resources, in carrying out national security functions, and in planning and conducting many other activities of scientific, economic, and social importance.

(2) The Federal Government's Landsat system established the United States as the world leader in land remote sensing technology.

(3) The national interest of the United States lies in maintaining international leadership in satellite land remote sensing and in broadly promoting the beneficial use of remote sensing data.

(4) The cost of Landsat data has impeded the use of such data for scientific purposes, such as for global environmental change research, as well as for other public sector applications.

(5) Given the importance of the Landsat program to the United States, urgent actions, including expedited procurement procedures, are required to ensure data continuity.

(6) Full commercialization of the Landsat program cannot be achieved within the foreseeable future, and thus should not serve as the near-term goal of national policy on land remote sensing; however, commercialization of land remote sensing should remain a long-term goal of United States policy.

(7) Despite the success and importance of the Landsat system, funding and organizational uncertainties over the past several years have placed its future in doubt and have jeopardized United States leadership in land remote sensing.

(8) Recognizing the importance of the Landsat program in helping to meet national and commercial objectives, the President approved, on February 11, 1992, a National Space Policy Directive which was developed by the National Space Council and commits the United States to ensuring the continuity of Landsat coverage into the 21st century.

(9) Because Landsat data are particularly important for national security purposes and global environmental change research, management responsibilities for the program should be transferred from the Department of Commerce to an integrated program management involving the Department of Defense and the Administration.

(10) Regardless of management responsibilities for the Landsat program, the Nation's broad civilian, national security, commercial, and foreign policy interests in remote sensing will best be served by ensuring that Landsat remains an unclassified program that operates according to the principles of open skies and nondiscriminatory access.

(11) Technological advances aimed at reducing the size and weight of satellite systems hold the potential for dramatic reductions in the cost, and substantial improvements in the capabilities, of future land remote sensing systems, but such technological advances have not been demonstrated for land remote sensing and therefore cannot be relied upon as the sole means of achieving data continuity for the Landsat program.

(12) A technology demonstration program involving advanced remote sensing technologies could serve a vital role in determining the design of a follow-on spacecraft to Landsat 7, while also helping to determine whether such a spacecraft should be funded by the United States Government, by the private sector, or by an international consortium.

(13) To maximize the value of the Landsat program to the American public, unenhanced Landsat 4 through 6 data should be made available, at a minimum, to United States Government agencies, to global environmental change researchers, and to other researchers who are financially supported by the United States Government, at the cost of fulfilling user requests, and unenhanced Landsat 7 data should be made available to all users at the cost of fulfilling user requests.

(14) To stimulate development of the commercial market for unenhanced data and value-added services, the United States Government should adopt a data policy for Landsat 7 which allows competition within the private sector for distribution of unenhanced data and value-added services.

(15) Development of the remote sensing market and the provision of commercial value-added services based on remote sensing data should remain exclusively the function of the private sector.

(16) It is in the best interest of the United States to maintain a permanent, comprehensive Government archive of global Landsat and other land remote sensing data for long-term monitoring and study of the changing global environment.

SECTION 1101

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1101	15:5601.	Pub. L. 102-555, § 2, Oct. 28, 1992, 106 Stat. 4163.

§ 1102. Definitions

In this chapter:

(1) **COST OF FULFILLING USER REQUESTS.**—The term “cost of fulfilling user requests” means the incremental costs associated with providing product generation, reproduction, and distribution of

unenanced data in response to user requests and shall not include any acquisition, amortization, or depreciation of capital assets originally paid for by the United States Government or other costs not specifically attributable to fulfilling user requests.

(2) DATA CONTINUITY.—The term “data continuity” means the continued acquisition and availability of unenanced data which are, from the point of view of the user—

(A) sufficiently consistent (in terms of acquisition geometry, coverage characteristics, and spectral characteristics) with previous Landsat data to allow comparisons for global and regional change detection and characterization; and

(B) compatible with such data and with methods used to receive and process such data.

(3) DATA PREPROCESSING.—The term “data preprocessing” may include—

(A) rectification of system and sensor distortions in land remote sensing data as it is received directly from the satellite in preparation for delivery to a user;

(B) registration of such data with respect to features of the Earth; and

(C) calibration of spectral response with respect to such data, but does not include conclusions, manipulations, or calculations derived from such data, or a combination of such data with other data.

(4) LAND REMOTE SENSING.—The term “land remote sensing” means the collection of data which can be processed into imagery of surface features of the Earth from an unclassified satellite or satellites, other than an operational United States Government weather satellite.

(5) LANDSAT PROGRAM MANAGEMENT.—The term “Landsat Program Management” means the integrated program management structure—

(A) established by, and responsible to, the Administrator and the Secretary of Defense pursuant to section 1111(a) [5611(a)] of this title; and

(B) consisting of appropriate officers and employees of the Administration, the Department of Defense, and any other United States Government agencies the President designates as responsible for the Landsat program.

(6) LANDSAT SYSTEM.—The term “Landsat system” means Landsats 1, 2, 3, 4, 5, and 6, and any follow-on land remote sensing system operated and owned by the United States Government, along

with any related ground equipment, systems, and facilities owned by the United States Government.

(7) LANDSAT 6 CONTRACTOR.—The term “Landsat 6 contractor” means the private sector entity which was awarded the contract for spacecraft construction, operations, and data marketing rights for the Landsat 6 spacecraft.

(8) LANDSAT 7.—The term “Landsat 7” means the follow-on satellite to Landsat 6.

(9) NATIONAL SATELLITE LAND REMOTE SENSING DATA ARCHIVE.—The term “National Satellite Land Remote Sensing Data Archive” means the archive established by the Secretary of the Interior pursuant to the archival responsibilities defined in section 1152 [5652] of this title.

(10) NONCOMMERCIAL PURPOSES.—The term “noncommercial purposes” refers to those activities undertaken by individuals or entities on the condition, upon receipt of unenhanced data, that—

(A) such data shall not be used in connection with any bid for a commercial contract, development of a commercial product, or any other non-United States Government activity that is expected, or has the potential, to be profitmaking;

(B) the results of such activities are disclosed in a timely and complete fashion in the open technical literature or other method of public release, except when such disclosure by the United States Government or its contractors would adversely affect the national security or foreign policy of the United States or violate a provision of law or regulation; and

(C) such data shall not be distributed in competition with unenhanced data provided by the Landsat 6 contractor.

(11) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

(12) UNENHANCED DATA.—The term “unenhanced data” means land remote sensing signals or imagery products that are unprocessed or subject only to data preprocessing.

(13) UNITED STATES GOVERNMENT AND ITS AFFILIATED USERS.—The term “United States Government and its affiliated users” means—

(A) United States Government agencies;

(B) researchers involved with the United States Global Change Research Program and its international counterpart programs; and

1 (C) other researchers and international entities that have signed
 2 with the United States Government a cooperative agreement in-
 3 volving the use of Landsat data for noncommercial purposes.

SECTION 1102

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1102	15:5602.	Pub. L. 102-555, § 3, Oct. 28, 1992, 106 Stat. 4164.

The definition of “Administrator” in section 3 of the Land Remote Sensing Policy Act of 1992 (Public Law 102-555, 106 Stat. 4164) is omitted as unnecessary because of the definition added by section 101 of title 51.

SUBCHAPTER II—LANDSAT

§ 1111. Landsat Program Management

6 (a) ESTABLISHMENT.—The Administrator and the Secretary of Defense
 7 shall be responsible for management of the Landsat program. Such respon-
 8 sibility shall be carried out by establishing an integrated program manage-
 9 ment structure for the Landsat system.

10 (b) MANAGEMENT PLAN.—The Administrator, the Secretary of Defense,
 11 and any other United States Government official the President designates
 12 as responsible for part of the Landsat program, shall establish, through a
 13 management plan, the roles, responsibilities, and funding expectations for
 14 the Landsat program of the appropriate United States Government agen-
 15 cies. The management plan shall—

16 (1) specify that the fundamental goal of the Landsat Program Man-
 17 agement is the continuity of unenhanced Landsat data through the ac-
 18 quisition and operation of a Landsat 7 satellite as quickly as prac-
 19 ticable which is, at a minimum, functionally equivalent to the Landsat
 20 6 satellite, with the addition of a tracking and data relay satellite com-
 21 munications capability;

22 (2) include a baseline funding profile that—

23 (A) is mutually acceptable to the Administration and the De-
 24 partment of Defense for the period covering the development and
 25 operation of Landsat 7; and

26 (B) provides for total funding responsibility of the Administra-
 27 tion and the Department of Defense, respectively, to be approxi-
 28 mately equal to the funding responsibility of the other as spread
 29 across the development and operational life of Landsat 7;

30 (3) specify that any improvements over the Landsat 6 functional
 31 equivalent capability for Landsat 7 will be funded by a specific spon-
 32 soring agency or agencies, in a manner agreed to by the Landsat Pro-
 33 gram Management, if the required funding exceeds the baseline funding

profile required by paragraph (2), and that additional improvements will be sought only if the improvements will not jeopardize data continuity; and

(4) provide for a technology demonstration program whose objective shall be the demonstration of advanced land remote sensing technologies that may potentially yield a system which is less expensive to build and operate, and more responsive to data users, than is the current Landsat system.

(c) RESPONSIBILITIES.—The Landsat Program Management shall be responsible for—

(1) Landsat 7 procurement, launch, and operations;

(2) ensuring that the operation of the Landsat system is responsive to the broad interests of the civilian, national security, commercial, and foreign users of the Landsat system;

(3) ensuring that all unenhanced Landsat data remain unclassified and that, except as provided in section 5656(a) and (b) of this title, no restrictions are placed on the availability of unenhanced data;

(4) ensuring that land remote sensing data of high priority locations will be acquired by the Landsat 7 system as required to meet the needs of the United States Global Change Research Program, as established in the Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.), and to meet the needs of national security users;

(5) Landsat data responsibilities pursuant to this chapter;

(6) oversight of Landsat contracts entered into under sections 1112 and 1113 [5612 and 5613] of this title;

(7) coordination of a technology demonstration program, pursuant to section 1133 [5633] of this title; and

(8) ensuring that copies of data acquired by the Landsat system are provided to the National Satellite Land Remote Sensing Data Archive.

(d) AUTHORITY TO CONTRACT.—The Landsat Program Management may, subject to appropriations and only under the existing contract authority of the United States Government agencies that compose the Landsat Program Management, enter into contracts with the private sector for services such as, but not limited to, satellite operations and data preprocessing.

(e) LANDSAT ADVISORY PROCESS.—

(1) ESTABLISHMENT.—The Landsat Program Management shall seek impartial advice and comments regarding the status, effectiveness, and operation of the Landsat system, using existing advisory committees and other appropriate mechanisms. Such advice shall be sought from individuals who represent—

- 1 (A) a broad range of perspectives on basic and applied science
 2 and operational needs with respect to land remote sensing data;
 3 (B) the full spectrum of users of Landsat data, including rep-
 4 resentatives from United States Government agencies, State and
 5 local government agencies, academic institutions, nonprofit organi-
 6 zations, value-added companies, the agricultural, mineral extrac-
 7 tion, and other user industries, and the public; and
 8 (C) a broad diversity of age groups, sexes, and races.
- 9 (2) REPORTS.—The Landsat Program Management shall prepare
 10 and submit biennially a report to the Congress which—
- 11 (A) reports the public comments received pursuant to paragraph
 12 (1); and
 13 (B) includes—
- 14 (i) a response to the public comments received pursuant to
 15 paragraph (1);
 16 (ii) information on the volume of use, by category, of data
 17 from the Landsat system; and
 18 (iii) any recommendations for policy or programmatic
 19 changes to improve the utility and operation of the Landsat
 20 system.

SECTION 1111

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1111	15:5611.	Pub. L. 102-555, title I, § 101, Oct. 28, 1992, 106 Stat. 4166.

In subsection (b), in the matter before clause (1), after the words “funding expectations for the Landsat”, the word “program” is set out without being capitalized to correct an error in the law.

In subsection (e)(2), in the matter before clause (A), the word “biennially” is substituted for “Within 1 year after the date of the enactment of this Act and biennially thereafter,” to eliminate obsolete language.

21 **§ 1112. Procurement of Landsat 7**

- 22 (a) CONTRACT NEGOTIATIONS.—The Landsat Program Management
 23 shall, subject to appropriations and only under the existing contract author-
 24 ity of the United States Government agencies that compose the Landsat
 25 Program Management, expeditiously contract with a United States private
 26 sector entity for the development and delivery of Landsat 7.
- 27 (b) DEVELOPMENT AND DELIVERY CONSIDERATION.—In negotiating a
 28 contract under this section for the development and delivery of Landsat 7,
 29 the Landsat Program Management shall—
- 30 (1) seek, as a fundamental objective, to have Landsat 7 operational
 31 by the expected end of the design life of Landsat 6;

1 (2) seek to ensure data continuity by the development and delivery
 2 of a satellite which is, at a minimum, functionally equivalent to the
 3 Landsat 6 satellite; and

4 (3) seek to incorporate in Landsat 7 any performance improvements
 5 required to meet United States Government needs that would not jeop-
 6 ardize data continuity.

7 (e) NOTIFICATION OF COST AND SCHEDULE CHANGES.—The Landsat
 8 Program Management shall promptly notify the Congress of any significant
 9 deviations from the expected cost, delivery date, and launch date of Landsat
 10 7, that are specified by the Landsat Program Management upon award of
 11 the contract under this section.

12 (d) UNITED STATES PRIVATE SECTOR ENTITIES.—The Landsat Pro-
 13 gram Management shall, for purposes of this chapter, define the term
 14 “United States private sector entities”, taking into account the location of
 15 operations, assets, personnel, and other such factors.

SECTION 1112

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1112	15:5612.	Pub. L. 102-555, title I, § 102, Oct. 28, 1992, 106 Stat. 4168.

16 § 1113. Data policy for Landsat 4 through 6

17 (a) CONTRACT NEGOTIATIONS.—Within 30 days after October 28, 1992,
 18 the Landsat Program Management shall enter into negotiations with the
 19 Landsat 6 contractor to formalize an arrangement with respect to pricing,
 20 distribution, acquisition, archiving, and availability of unenhanced data for
 21 which the Landsat 6 contractor has responsibility under its contract. Such
 22 arrangement shall provide for a phased transition to a data policy consistent
 23 with the Landsat 7 data policy (developed pursuant to section 1115 [5615]
 24 of this title) by the date of initial operation of Landsat 7. Conditions of the
 25 phased arrangement should require that the Landsat 6 contractor adopt
 26 provisions so that by the final phase of the transition period—

27 (1) such unenhanced data shall be provided, at a minimum, to the
 28 United States Government and its affiliated users at the cost of ful-
 29 filling user requests, on the condition that such unenhanced data are
 30 used solely for noncommercial purposes;

31 (2) instructional data sets, selected from the Landsat data archives,
 32 will be made available to educational institutions exclusively for non-
 33 commercial, educational purposes at the cost of fulfilling user requests;

34 (3) Landsat data users are able to acquire unenhanced data con-
 35 tained in the collective archives of foreign ground stations as easily and
 36 affordably as practicable;

1 (4) adequate data necessary to meet the needs of global environ-
2 mental change researchers and national security users are acquired;

3 (5) the United States Government and its affiliated users shall not
4 be prohibited from reproduction or dissemination of unenhanced data
5 to other agencies of the United States Government and other affiliated
6 users, on the condition that such unenhanced data are used solely for
7 noncommercial purposes;

8 (6) nonprofit, public interest entities receive vouchers, data grants,
9 or other such means of providing them with unenhanced data at the
10 cost of fulfilling user requests, on the condition that such unenhanced
11 data are used solely for noncommercial purposes;

12 (7) a viable role for the private sector in the promotion and develop-
13 ment of the commercial market for value added and other services
14 using unenhanced data from the Landsat system is preserved; and

15 (8) unenhanced data from the Landsat system are provided to the
16 National Satellite Land Remote Sensing Data Archive at no more than
17 the cost of fulfilling user requests.

18 (b) FAILURE TO REACH AGREEMENT.—If negotiations under subsection
19 (a) have not, by September 30, 1993, resulted in an agreement that the
20 Landsat Program Management determines generally achieves the goals stat-
21 ed in subsection (a)(1) to (8), the Administrator and the Secretary of De-
22 fense shall, within 30 days after the date of such determination, jointly cer-
23 tify and report such determination to the Congress. The report shall include
24 a review of options and projected costs for achieving such goals, and shall
25 include recommendations for achieving such goals. The options reviewed
26 shall include—

27 (1) retaining the existing or modified contract with the Landsat 6
28 contractor;

29 (2) the termination of existing contracts for the exclusive right to
30 market unenhanced Landsat data; and

31 (3) the establishment of an alternative private sector mechanism for
32 the marketing and commercial distribution of such data.

SECTION 1113

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1113	15:5613.	Pub. L. 102-555, title I, § 103, Oct. 28, 1992, 106 Stat. 4168.

In subsection (a), in the matter before clause (1), the date “October 28, 1992” is substituted for “the date of enactment of this Act” to reflect the date of enactment of the Land Remote Sensing Policy Act of 1992 (Public Law 102-555, 106 Stat. 4163).

In subsection (b), the words “subsection (a)(1) to (8)” are substituted for “subsection (b)(1) through (8)” to correct an error in the law.

1 **§ 1114. Transfer of Landsat 6 program responsibilities**

2 The responsibilities of the Secretary with respect to Landsat 6 shall be
3 transferred to the Landsat Program Management, as agreed to between the
4 Secretary and the Landsat Program Management, pursuant to section 1111
5 [5611] of this title.

SECTION 1114

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1114	15:5614.	Pub. L. 102-555, title I, § 104, Oct. 28, 1992, 106 Stat. 4170.

6 **§ 1115. Data policy for Landsat 7**

7 (a) LANDSAT 7 DATA POLICY.—The Landsat Program Management, in
8 consultation with other appropriate United States Government agencies,
9 shall develop a data policy for Landsat 7 which should—

10 (1) ensure that unenhanced data are available to all users at the cost
11 of fulfilling user requests;

12 (2) ensure timely and dependable delivery of unenhanced data to the
13 full spectrum of civilian, national security, commercial, and foreign
14 users and the National Satellite Land Remote Sensing Data Archive;

15 (3) ensure that the United States retains ownership of all
16 unenhanced data generated by Landsat 7;

17 (4) support the development of the commercial market for remote
18 sensing data;

19 (5) ensure that the provision of commercial value-added services
20 based on remote sensing data remains exclusively the function of the
21 private sector; and

22 (6) to the extent possible, ensure that the data distribution system
23 for Landsat 7 is compatible with the Earth Observing System Data
24 and Information System.

25 (b) ADDITIONAL DATA POLICY CONSIDERATIONS.—In addition, the data
26 policy for Landsat 7 may provide for—

27 (1) United States private sector entities to operate ground receiving
28 stations in the United States for Landsat 7 data;

29 (2) other means for direct access by private sector entities to
30 unenhanced data from Landsat 7; and

31 (3) the United States Government to charge a per image fee, license
32 fee, or other such fee to entities operating ground receiving stations or
33 distributing Landsat 7 data.

34 (c) LANDSAT 7 DATA POLICY PLAN.—Not later than July 15, 1994, the
35 Landsat Program Management shall develop and submit to Congress a re-
36 port that contains a Landsat 7 Data Policy Plan. This plan shall define the

roles and responsibilities of the various public and private sector entities that would be involved in the acquisition, processing, distribution, and archiving of Landsat 7 data and in operations of the Landsat 7 spacecraft.

(d) REPORTS.—Not later than 12 months after submission of the Landsat 7 Data Policy Plan, required by subsection (c), and annually thereafter until the launch of Landsat 7, the Landsat Program Management, in consultation with representatives of appropriate United States Government agencies, shall prepare and submit a report to the Congress which—

(1) provides justification for the Landsat 7 data policy in terms of the civilian, national security, commercial, and foreign policy needs of the United States; and

(2) provides justification for any elements of the Landsat 7 data policy which are not consistent with the provisions of subsection (a).

SECTION 1115

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1115	15:5615.	Pub. L. 102-555, title I, § 105, Oct. 28, 1992, 106 Stat. 4170.

SUBCHAPTER III—LICENSING OF PRIVATE REMOTE SENSING SPACE SYSTEMS

§ 1121. General licensing authority

(a) LICENSING AUTHORITY OF SECRETARY.—

(1) IN GENERAL.—In consultation with other appropriate United States Government agencies, the Secretary is authorized to license private sector parties to operate private remote sensing space systems for such period as the Secretary may specify and in accordance with the provisions of this subchapter.

(2) LIMITATION WITH RESPECT TO SYSTEM USED FOR OTHER PURPOSES.—In the case of a private space system that is used for remote sensing and other purposes, the authority of the Secretary under this subchapter shall be limited only to the remote sensing operations of such space system.

(b) COMPLIANCE WITH LAW, REGULATIONS, INTERNATIONAL OBLIGATIONS, AND NATIONAL SECURITY.—

(1) IN GENERAL.—No license shall be granted by the Secretary unless the Secretary determines in writing that the applicant will comply with the requirements of this chapter, any regulations issued pursuant to this chapter, and any applicable international obligations and national security concerns of the United States.

(2) LIST OF REQUIREMENTS FOR COMPLETE APPLICATION.—The Secretary shall publish in the Federal Register a complete and specific

list of all information required to comprise a complete application for a license under this subchapter. An application shall be considered complete when the applicant has provided all information required by the list most recently published in the Federal Register before the date the application was first submitted. Unless the Secretary has, within 30 days after receipt of an application, notified the applicant of information necessary to complete an application, the Secretary may not deny the application on the basis of the absence of any such information.

(c) DEADLINE FOR ACTION ON APPLICATION.—The Secretary shall review any application and make a determination thereon within 120 days of the receipt of such application. If final action has not occurred within such time, the Secretary shall inform the applicant of any pending issues and of actions required to resolve them.

(d) IMPROPER BASIS FOR DENIAL.—The Secretary shall not deny such license in order to protect any existing licensee from competition.

(e) REQUIREMENT TO PROVIDE UNENHANCED DATA.—

(1) DESIGNATION OF DATA.—The Secretary, in consultation with other appropriate United States Government agencies and pursuant to paragraph (2), shall designate in a license issued pursuant to this subchapter any unenhanced data required to be provided by the licensee under section 1122(b)(3) [5622(b)(3)] of this title.

(2) PRELIMINARY DETERMINATION.—The Secretary shall make a designation under paragraph (1) after determining that—

(A) such data are generated by a system for which all or a substantial part of the development, fabrication, launch, or operations costs have been or will be directly funded by the United States Government; or

(B) it is in the interest of the United States to require such data to be provided by the licensee consistent with section 1122(b)(3) [5622(b)(3)] of this title, after considering the impact on the licensee and the importance of promoting widespread access to remote sensing data from United States and foreign systems.

(3) CONSISTENCY WITH CONTRACT OR OTHER ARRANGEMENT.—A designation made by the Secretary under paragraph (1) shall not be inconsistent with any contract or other arrangement entered into between a United States Government agency and the licensee.

SECTION 1121

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1121	15:5621.	Pub. L. 102-555, title II, § 201, Oct. 28, 1992, 106 Stat. 4171; Pub. L. 105-303, title I, § 107(f)(1), Oct. 28, 1998, 112 Stat. 2854.

In subsection (b)(2), the words “within 6 months after the date of the enactment of the Commercial Space Act of 1998” are omitted as obsolete.

1 **§ 1122. Conditions for operation**

2 (a) LICENSE REQUIRED FOR OPERATION.—No person who is subject to
3 the jurisdiction or control of the United States may, directly or through any
4 subsidiary or affiliate, operate any private remote sensing space system
5 without a license pursuant to section 1121 [5621] of this title.

6 (b) LICENSING REQUIREMENTS.—Any license issued pursuant to this
7 subchapter shall specify that the licensee shall comply with all of the re-
8 quirements of this chapter and shall—

9 (1) operate the system in such manner as to preserve the national
10 security of the United States and to observe the international obliga-
11 tions of the United States in accordance with section 1156 [5656] of
12 this title;

13 (2) make available to the government of any country (including the
14 United States) unenhanced data collected by the system concerning the
15 territory under the jurisdiction of such government as soon as such
16 data are available and on reasonable terms and conditions;

17 (3) make unenhanced data designated by the Secretary in the license
18 pursuant to section 1121(e) [5621(e)] of this title available in accord-
19 ance with section 1151 [5651] of this title;

20 (4) upon termination of operations under the license, make disposi-
21 tion of any satellites in space in a manner satisfactory to the President;

22 (5) furnish the Secretary with complete orbit and data collection
23 characteristics of the system, and inform the Secretary immediately of
24 any deviation; and

25 (6) notify the Secretary of any significant or substantial agreement
26 the licensee intends to enter with a foreign nation, entity, or consor-
27 tium involving foreign nations or entities.

28 (c) ADDITIONAL LICENSING REQUIREMENTS FOR LANDSAT 6 CON-
29 TRACTOR.—In addition to the requirements of subsection (b), any license
30 issued pursuant to this subchapter to the Landsat 6 contractor shall specify
31 that the Landsat 6 contractor shall—

32 (1) notify the Secretary of any value added activities (as defined by
33 the Secretary by regulation) that will be conducted by the Landsat 6
34 contractor or by a subsidiary or affiliate; and

35 (2) if such activities are to be conducted, provide the Secretary with
36 a plan for compliance with section 1151 [5651] of this title.

SECTION 1122

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1122	15:5622.	Pub. L. 102-555, title II, § 202, Oct. 28, 1992, 106 Stat. 4172; Pub. L. 105-303, title I, § 107(f)(2), Oct. 28, 1998, 112 Stat. 2854.

In subsection (c), in the matter before clause (1), the words “subsection (b)” are substituted for “paragraph (b)” to correct an error in the law.

§ 1123. Administrative authority of Secretary

(a) FUNCTIONS.—In order to carry out the responsibilities specified in this subchapter, the Secretary may—

(1) grant, condition, or transfer licenses under this chapter;

(2) seek an order of injunction or similar judicial determination from a United States District Court with personal jurisdiction over the licensee to terminate, modify, or suspend licenses under this subchapter and to terminate licensed operations on an immediate basis, if the Secretary determines that the licensee has substantially failed to comply with any provisions of this chapter, with any terms, conditions, or restrictions of such license, or with any international obligations or national security concerns of the United States;

(3) provide penalties for noncompliance with the requirements of licenses or regulations issued under this subchapter, including civil penalties not to exceed \$10,000 (each day of operation in violation of such licenses or regulations constituting a separate violation);

(4) compromise, modify, or remit any such civil penalty;

(5) issue subpoenas for any materials, documents, or records, or for the attendance and testimony of witnesses for the purpose of conducting a hearing under this section;

(6) seize any object, record, or report pursuant to a warrant from a magistrate based on a showing of probable cause to believe that such object, record, or report was used, is being used, or is likely to be used in violation of this chapter or the requirements of a license or regulation issued thereunder; and

(7) make investigations and inquiries and administer to or take from any person an oath, affirmation, or affidavit concerning any matter relating to the enforcement of this chapter.

(b) REVIEW OF AGENCY ACTION.—Any applicant or licensee who makes a timely request for review of an adverse action pursuant to paragraph (1), (3), (5), or (6) of subsection (a) shall be entitled to adjudication by the Secretary on the record after an opportunity for any agency hearing with respect to such adverse action. Any final action by the Secretary under this subsection shall be subject to judicial review under chapter 7 of title 5.

SECTION 1123

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1123	15:5623.	Pub. L. 102-555, title II, § 203, Oct. 28, 1992, 106 Stat. 4172.

In subsection (a), at the end of clause (2), a semicolon is substituted for the period to correct an error in the law.

1 § 1124. Regulatory authority of Secretary

2 The Secretary may issue regulations to carry out this subchapter. Such
3 regulations shall be promulgated only after public notice and comment in
4 accordance with the provisions of section 553 of title 5.

SECTION 1124

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1124	15:5624.	Pub. L. 102-555, title II, § 204, Oct. 28, 1992, 106 Stat. 4173.

5 § 1125. Agency activities

6 (a) LICENSE APPLICATION AND ISSUANCE.—A private sector party may
7 apply for a license to operate a private remote sensing space system which
8 utilizes, on a space-available basis, a civilian United States Government sat-
9 ellite or vehicle as a platform for such system. The Secretary, pursuant to
10 this subchapter, may license such system if it meets all conditions of this
11 subchapter and—

12 (1) the system operator agrees to reimburse the Government in a
13 timely manner for all related costs incurred with respect to such utili-
14 zation, including a reasonable and proportionate share of fixed, plat-
15 form, data transmission, and launch costs; and

16 (2) such utilization would not interfere with or otherwise compromise
17 intended civilian Government missions, as determined by the agency re-
18 sponsible for such civilian platform.

19 (b) ASSISTANCE.—The Secretary may offer assistance to private sector
20 parties in finding appropriate opportunities for such utilization.

21 (c) AGREEMENTS.—To the extent provided in advance by appropriation
22 Acts, any United States Government agency may enter into agreements for
23 such utilization if such agreements are consistent with such agency's mis-
24 sion and statutory authority, and if such remote sensing space system is li-
25 censed by the Secretary before commencing operation.

26 (d) APPLICABILITY.—This section does not apply to activities carried out
27 under subchapter IV [subchapter III].

28 (e) EFFECT ON FCC AUTHORITY.—Nothing in this subchapter shall af-
29 fect the authority of the Federal Communications Commission pursuant to
30 the Communications Act of 1934 (47 U.S.C. 151 et seq.).

SECTION 1125

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1125	15:5625.	Pub. L. 102-555, title II, § 205, Oct. 28, 1992, 106 Stat. 4173.

SUBCHAPTER IV—RESEARCH, DEVELOPMENT, AND
DEMONSTRATION

§ 1131. Continued Federal research and development

(a) ROLES OF ADMINISTRATION AND DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—The Administrator and the Secretary of Defense are directed to continue and to enhance programs of remote sensing research and development.

(2) ADMINISTRATION ACTIVITIES AUTHORIZED AND ENCOURAGED.—
The Administrator is authorized and encouraged to—

(A) conduct experimental space remote sensing programs (including applications demonstration programs and basic research at universities);

(B) develop remote sensing technologies and techniques, including those needed for monitoring the Earth and its environment; and

(C) conduct such research and development in cooperation with other United States Government agencies and with public and private research entities (including private industry, universities, non-profit organizations, State and local governments, foreign governments, and international organizations) and to enter into arrangements (including joint ventures) which will foster such cooperation.

(b) ROLES OF DEPARTMENT OF AGRICULTURE AND DEPARTMENT OF THE INTERIOR.—

(1) IN GENERAL.—In order to enhance the ability of the United States to manage and utilize its renewable and nonrenewable resources, the Secretary of Agriculture and the Secretary of the Interior are authorized and encouraged to conduct programs of research and development in the applications of remote sensing using funds appropriated for such purposes.

(2) ACTIVITIES THAT MAY BE INCLUDED.—Such programs may include basic research at universities, demonstrations of applications, and cooperative activities involving other Government agencies, private sector parties, and foreign and international organizations.

(c) ROLE OF OTHER FEDERAL AGENCIES.—Other United States Government agencies are authorized and encouraged to conduct research and devel-

1 opment on the use of remote sensing in the fulfillment of their authorized
 2 missions, using funds appropriated for such purposes.

SECTION 1131

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1131	15:5631.	Pub. L. 102-555, title III, § 301, Oct. 28, 1992, 106 Stat. 4174.

3 § 1132. Availability of federally gathered unenhanced data

4 (a) IN GENERAL.—All unenhanced land remote sensing data gathered
 5 and owned by the United States Government, including unenhanced data
 6 gathered under the technology demonstration program carried out pursuant
 7 to section 1133 [5633] of this title, shall be made available to users in a
 8 timely fashion.

9 (b) PROTECTION FOR COMMERCIAL DATA DISTRIBUTOR.—The President
 10 shall seek to ensure that unenhanced data gathered under the technology
 11 demonstration program carried out pursuant to section 1133 [5633] of this
 12 title shall, to the extent practicable, be made available on terms that would
 13 not adversely affect the commercial market for unenhanced data gathered
 14 by the Landsat 6 spacecraft.

SECTION 1132

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1132	15:5632.	Pub. L. 102-555, title III, § 302, Oct. 28, 1992, 106 Stat. 4174.

In subsection (b), the word “affect” is substituted for “effect” to
 correct an error in the law.

15 § 1133. Technology demonstration program

16 (a) ESTABLISHMENT.—As a fundamental component of a national land
 17 remote sensing strategy, the President shall establish, through appropriate
 18 United States Government agencies, a technology demonstration program.
 19 The goals of such programs shall be to—

20 (1) seek to launch advanced land remote sensing system components
 21 within 5 years after October 28, 1992;

22 (2) demonstrate within such 5-year period advanced sensor capabili-
 23 ties suitable for use in the anticipated land remote sensing program;
 24 and

25 (3) demonstrate within such 5-year period an advanced land remote
 26 sensing system design that could be less expensive to procure and oper-
 27 ate than the Landsat system projected to be in operation through the
 28 year 2000, and that therefore holds greater potential for private sector
 29 investment and control.

(b) EXECUTION OF PROGRAM.—In executing the technology demonstration program, the President shall seek to apply technologies associated with United States National Technical Means of intelligence gathering, to the extent that such technologies are appropriate for the technology demonstration and can be declassified for such purposes without causing adverse harm to United States national security interests.

(c) BROAD APPLICATION.—To the greatest extent practicable, the technology demonstration program established under subsection (a) shall be designed to be responsive to the broad civilian, national security, commercial, and foreign policy needs of the United States.

(d) PRIVATE SECTOR FUNDING.—The technology demonstration program under this section may be carried out in part with private sector funding.

(e) LANDSAT PROGRAM MANAGEMENT COORDINATION.—The Landsat Program Management shall have a coordinating role in the technology demonstration program carried out under this section.

(f) REPORT TO CONGRESS.—The President shall assess the progress of the technology demonstration program under this section and, within 2 years after October 28, 1992, submit a report to the Congress on such progress.

SECTION 1133

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1133	15:5633.	Pub. L. 102-555, title III, § 303, Oct. 28, 1992, 106 Stat. 4174.

In subsection (a)(1), the date “October 28, 1992” is substituted for “the date of the enactment of this Act” to reflect the date of enactment of the Land Remote Sensing Policy Act of 1992 (Public Law 102-555, 106 Stat. 4163).

In subsection (a), at the end of clause (1), a semicolon is substituted for the period to correct an error in the law.

In subsection (f), the date “October 28, 1992” is substituted for “the date of enactment of this Act” to reflect the date of enactment of the Land Remote Sensing Policy Act of 1992 (Public Law 102-555, 106 Stat. 4163).

SUBCHAPTER V—ASSESSING OPTIONS FOR SUCCESSOR LAND REMOTE SENSING SYSTEM

§ 1141. Assessing options for successor land remote sensing system

(a) ASSESSMENT.—Within 5 years after October 28, 1992, the Landsat Program Management, in consultation with representatives of appropriate United States Government agencies, shall assess and report to the Congress on the options for a successor land remote sensing system to Landsat 7. The report shall include a full assessment of the advantages and disadvantages of—

- 1 (1) private sector funding and management of a successor land re-
- 2 mote sensing system;
- 3 (2) establishing an international consortium for the funding and
- 4 management of a successor land remote sensing system;
- 5 (3) funding and management of a successor land remote sensing sys-
- 6 tem by the United States Government; and
- 7 (4) a cooperative effort between the United States Government and
- 8 the private sector for the funding and management of a successor land
- 9 remote sensing system.
- 10 (b) GOALS.—In carrying out subsection (a), the Landsat Program Man-
- 11 agement shall consider the ability of each of the options to—
- 12 (1) encourage the development, launch, and operation of a land re-
- 13 mote sensing system that adequately serves the civilian, national secu-
- 14 rity, commercial, and foreign policy interests of the United States;
- 15 (2) encourage the development, launch, and operation of a land re-
- 16 mote sensing system that maintains data continuity with the Landsat
- 17 system; and
- 18 (3) incorporate system enhancements, including any such enhance-
- 19 ments developed under the technology demonstration program under
- 20 section 1133 [5633] of this title, which may potentially yield a system
- 21 that is less expensive to build and operate, and more responsive to data
- 22 users, than is the Landsat system projected to be in operation through
- 23 the year 2000.
- 24 (c) PREFERENCE FOR PRIVATE SECTOR SYSTEM.—If a successor land re-
- 25 mote sensing system to Landsat 7 can be funded and managed by the pri-
- 26 vate sector while still achieving the goals stated in subsection (b) without
- 27 jeopardizing the domestic, national security, and foreign policy interests of
- 28 the United States, preference should be given to the development of such
- 29 a system by the private sector without competition from the United States
- 30 Government.

SECTION 1141

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1141	15:5641.	Pub. L. 102-555, title IV, § 401, Oct. 28, 1992, 106 Stat. 4175.

In subsection (a), in the matter before clause (1), the date “October 28, 1992” is substituted for “the date of the enactment of this Act” to reflect the date of enactment of the Land Remote Sensing Policy Act of 1992 (Public Law 102-555, 106 Stat. 4163).

SUBCHAPTER VI—GENERAL PROVISIONS

§ 1151. Nondiscriminatory data availability

(a) IN GENERAL.—Except as provided in subsection (b), any unenhanced data generated by the Landsat system or any other land remote sensing system funded and owned by the United States Government shall be made available to all users without preference, bias, or any other special arrangement (except on the basis of national security concerns pursuant to section 1156 [5656] of this title) regarding delivery, format, pricing, or technical considerations which would favor one customer or class of customers over another.

(b) EXCEPTIONS.—Unenhanced data generated by the Landsat system or any other land remote sensing system funded and owned by the United States Government may be made available to the United States Government and its affiliated users at reduced prices, in accordance with this chapter, on the condition that such unenhanced data are used solely for noncommercial purposes.

SECTION 1151

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1151	15:5651.	Pub. L. 102-555, title V, § 501, Oct. 28, 1992, 106 Stat. 4176.

§ 1152. Archiving of data

(a) PUBLIC INTEREST.—It is in the public interest for the United States Government to—

- (1) maintain an archive of land remote sensing data for historical, scientific, and technical purposes, including long-term global environmental monitoring;
- (2) control the content and scope of the archive; and
- (3) assure the quality, integrity, and continuity of the archive.

(b) ARCHIVING PRACTICES.—The Secretary of the Interior, in consultation with the Landsat Program Management, shall provide for long-term storage, maintenance, and upgrading of a basic, global, land remote sensing data set (hereafter in this section referred to as the “basic data set”) and shall follow reasonable archival practices to assure proper storage and preservation of the basic data set and timely access for parties requesting data.

(c) DETERMINATION OF CONTENT OF BASIC DATA SET.—In determining the initial content of, or in upgrading, the basic data set, the Secretary of the Interior shall—

- (1) use as a baseline the data archived on October 28, 1992;

- 1 (2) take into account future technical and scientific developments
 2 and needs, paying particular attention to the anticipated data require-
 3 ments of global environmental change research;
- 4 (3) consult with and seek the advice of users and producers of re-
 5 mote sensing data and data products;
- 6 (4) consider the need for data which may be duplicative in terms of
 7 geographical coverage but which differ in terms of season, spectral
 8 bands, resolution, or other relevant factors;
- 9 (5) include, as the Secretary of the Interior considers appropriate,
 10 unenanced data generated either by the Landsat system, pursuant to
 11 subchapter II [subchapter I of this chapter], or by licensees under sub-
 12 chapter III [subchapter II of this chapter];
- 13 (6) include, as the Secretary of the Interior considers appropriate,
 14 data collected by foreign ground stations or by foreign remote sensing
 15 space systems; and
- 16 (7) ensure that the content of the archive is developed in accordance
 17 with section 1156 [5656] of this title.
- 18 (d) PUBLIC DOMAIN.—After the expiration of any exclusive right to sell,
 19 or after relinquishment of such right, the data provided to the National Sat-
 20 ellite Land Remote Sensing Data Archive shall be in the public domain and
 21 shall be made available to requesting parties by the Secretary of the Interior
 22 at the cost of fulfilling user requests.

SECTION 1152

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1152	15:5652.	Pub. L. 102-555, title V, § 502, Oct. 28, 1992, 106 Stat. 4176.

In subsection (b), the words “hereafter in this section” are substituted for “hereinafter” for clarity. The term “basic data set” is used in the Land Remote Sensing Policy Act of 1992 (Public Law 102-555, 106 Stat. 4163) only in section 502 of the Act.

In subsection (c), in the matter before clause (1), the words “of the Interior” are substituted for “of Interior” to correct an error in the law.

In subsection (c)(1), the date “October 28, 1992” is substituted for “the date of enactment of this Act” to reflect the date of enactment of the Land Remote Sensing Policy Act of 1992 (Public Law 102-555, 106 Stat. 4163).

23 § 1153. Nonreproduction

24 Unenhanced data distributed by any licensee under subchapter III [sub-
 25 chapter II of this chapter] may be sold on the condition that such data will
 26 not be reproduced or disseminated by the purchaser for commercial pur-
 27 poses.

SECTION 1153

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1153	15:5653.	Pub. L. 102-555, title V, § 503, Oct. 28, 1992, 106 Stat. 4177.

1 **§ 1154. Reimbursement for assistance**

2 The Administrator, the Secretary of Defense, and the heads of other
3 United States Government agencies may provide assistance to land remote
4 sensing system operators under the provisions of this chapter. Substantial
5 assistance shall be reimbursed by the operator, except as otherwise provided
6 by law.

SECTION 1154

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1154	15:5654.	Pub. L. 102-555, title V, § 504, Oct. 28, 1992, 106 Stat. 4177.

7 **§ 1155. Acquisition of equipment**

8 The Landsat Program Management may, by means of a competitive proc-
9 ess, allow a licensee under subchapter III [subchapter II of this chapter]
10 or any other private party to buy, lease, or otherwise acquire the use of
11 equipment from the Landsat system, when such equipment is no longer
12 needed for the operation of such system or for the sale of data from such
13 system. Officials of other United States Government civilian agencies are
14 authorized and encouraged to cooperate with the Secretary in carrying out
15 this section.

SECTION 1155

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1155	15:5655.	Pub. L. 102-555, title V, § 505, Oct. 28, 1992, 106 Stat. 4177.

16 **§ 1156. Radio frequency allocation**

17 (a) APPLICATION TO FEDERAL COMMUNICATIONS COMMISSION.—To the
18 extent required by the Communications Act of 1934 (47 U.S.C. 151 et
19 seq.), an application shall be filed with the Federal Communications Com-
20 mission for any radio facilities involved with commercial remote sensing
21 space systems licensed under subchapter III [subchapter II of this chapter].

22 (b) DEADLINE FOR FCC ACTION.—It is the intent of Congress that the
23 Federal Communications Commission complete the radio licensing process
24 under the Communications Act of 1934 (47 U.S.C. 151 et seq.), upon the
25 application of any private sector party or consortium operator of any com-
26 mercial land remote sensing space system subject to this chapter, within

1 120 days of the receipt of an application for such licensing. If final action
 2 has not occurred within 120 days of the receipt of such an application, the
 3 Federal Communications Commission shall inform the applicant of any
 4 pending issues and of actions required to resolve them.

5 (c) DEVELOPMENT AND CONSTRUCTION OF UNITED STATES SYSTEMS.—
 6 Authority shall not be required from the Federal Communications Commis-
 7 sion for the development and construction of any United States land remote
 8 sensing space system (or component thereof), other than radio transmitting
 9 facilities or components, while any licensing determination is being made.

10 (d) CONSISTENCY WITH INTERNATIONAL OBLIGATIONS AND PUBLIC IN-
 11 TEREST.—Frequency allocations made pursuant to this section by the Fed-
 12 eral Communications Commission shall be consistent with international obli-
 13 gations and with the public interest.

SECTION 1156

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1156	15:5656.	Pub. L. 102-555, title V, § 506, Oct. 28, 1992, 106 Stat. 4177.

§ 1157. Consultation

15 (a) CONSULTATION WITH SECRETARY OF DEFENSE.—The Secretary and
 16 the Landsat Program Management shall consult with the Secretary of De-
 17 fense on all matters under this chapter affecting national security. The Sec-
 18 retary of Defense shall be responsible for determining those conditions, con-
 19 sistent with this chapter, necessary to meet national security concerns of the
 20 United States and for notifying the Secretary and the Landsat Program
 21 Management promptly of such conditions.

22 (b) CONSULTATION WITH SECRETARY OF STATE.—

23 (1) IN GENERAL.—The Secretary and the Landsat Program Man-
 24 agement shall consult with the Secretary of State on all matters under
 25 this chapter affecting international obligations. The Secretary of State
 26 shall be responsible for determining those conditions, consistent with
 27 this chapter, necessary to meet international obligations and policies of
 28 the United States and for notifying promptly the Secretary and the
 29 Landsat Program Management of such conditions.

30 (2) INTERNATIONAL AID.—Appropriate United States Government
 31 agencies are authorized and encouraged to provide remote sensing data,
 32 technology, and training to developing nations as a component of pro-
 33 grams of international aid.

34 (3) REPORTING DISCRIMINATORY DISTRIBUTION.—The Secretary of
 35 State shall promptly report to the Secretary and Landsat Program

1 Management any instances outside the United States of discriminatory
2 distribution of Landsat data.

3 (c) STATUS REPORT.—The Landsat Program Management shall, as often
4 as necessary, provide to the Congress complete and updated information
5 about the status of ongoing operations of the Landsat system, including
6 timely notification of decisions made with respect to the Landsat system in
7 order to meet national security concerns and international obligations and
8 policies of the United States Government.

9 (d) REIMBURSEMENTS.—If, as a result of technical modifications imposed
10 on a licensee under subchapter III [subchapter II of this chapter] on the
11 basis of national security concerns, the Secretary, in consultation with the
12 Secretary of Defense or with other Federal agencies, determines that addi-
13 tional costs will be incurred by the licensee, or that past development costs
14 (including the cost of capital) will not be recovered by the licensee, the Sec-
15 retary may require the agency or agencies requesting such technical modi-
16 fications to reimburse the licensee for such additional or development costs,
17 but not for anticipated profits. Reimbursements may cover costs associated
18 with required changes in system performance, but not costs ordinarily asso-
19 ciated with doing business abroad.

SECTION 1157

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1157	15:5657.	Pub. L. 102-555, title V, § 507, Oct. 28, 1992, 106 Stat. 4178.

20 § 1158. Enforcement

21 (a) IN GENERAL.—In order to ensure that unenhanced data from the
22 Landsat system received solely for noncommercial purposes are not used for
23 any commercial purpose, the Secretary (in collaboration with private sector
24 entities responsible for the marketing and distribution of unenhanced data
25 generated by the Landsat system) shall develop and implement a system for
26 enforcing this prohibition, in the event that unenhanced data from the
27 Landsat system are made available for noncommercial purposes at a dif-
28 ferent price than such data are made available for other purposes.

29 (b) AUTHORITY OF SECRETARY.—Subject to subsection (d), the Secretary
30 may impose any of the enforcement mechanisms described in subsection (c)
31 against a person who—

32 (1) receives unenhanced data from the Landsat system under this
33 chapter solely for noncommercial purposes (and at a different price
34 than the price at which such data are made available for other pur-
35 poses); and

36 (2) uses such data for other than noncommercial purposes.

(c) ENFORCEMENT MECHANISMS.—Enforcement mechanisms referred to in subsection (b) may include civil penalties of not more than \$10,000 (per day per violation), denial of further unenhanced data purchasing privileges, and any other penalties or restrictions the Secretary considers necessary to ensure, to the greatest extent practicable, that unenhanced data provided for noncommercial purposes are not used to unfairly compete in the commercial market against private sector entities not eligible for data at the cost of fulfilling user requests.

(d) PROCEDURES AND REGULATIONS.—The Secretary shall issue any regulations necessary to carry out this section and shall establish standards and procedures governing the imposition of enforcement mechanisms under subsection (b). The standards and procedures shall include a procedure for potentially aggrieved parties to file formal protests with the Secretary alleging instances where such unenhanced data has been, or is being, used for commercial purposes in violation of the terms of receipt of such data. The Secretary shall promptly act to investigate any such protest, and shall report annually to the Congress on instances of such violations.

SECTION 1158

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1158	15:5658.	Pub. L. 102-555, title V, § 508, Oct. 28, 1992, 106 Stat. 4179.

SUBCHAPTER VII—PROHIBITION OF COMMERCIALIZATION OF WEATHER SATELLITES

§ 1171. Prohibition

Neither the President nor any other official of the Government shall make any effort to lease, sell, or transfer to the private sector, or commercialize, any portion of the weather satellite systems operated by the Department of Commerce or any successor agency.

SECTION 1171

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1171	15:5671.	Pub. L. 102-555, title VI, § 601, Oct. 28, 1992, 106 Stat. 4179.

§ 1172. Future considerations

Regardless of any change in circumstances subsequent to October 28, 1992, even if such change makes it appear to be in the national interest to commercialize weather satellites, neither the President nor any official shall take any action prohibited by section 1171 [5671] of this title unless this subchapter has first been repealed.

SECTION 1172

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1172	15:5672.	Pub. L. 102-555, title VI, § 602, Oct. 28, 1992, 106 Stat. 4180.

The date “October 28, 1992” is substituted for “the enactment of this Act” to reflect the date of enactment of the Land Remote Sensing Policy Act of 1992 (Public Law 102-555, 106 Stat. 4163).

1 **CHAPTER 13—COMMERCIAL SPACE OPPORTUNITIES**

2 **AND TRANSPORTATION SERVICES**

SUBCHAPTER I—DEFINITIONS FOR SUBCHAPTERS I TO III

Sec.

1301. Definitions for subchapters I to III. [14701]

SUBCHAPTER II—PROMOTION OF COMMERCIAL SPACE OPPORTUNITIES

1311. Commercialization of Space Station. [14711]

1312. Promotion of United States Global Positioning System standards. [14712]

1313. Acquisition of space science data. [14713]

1314. Administration of commercial space centers. [14714]

1315. Sources of Earth Science data. [14715]

SUBCHAPTER III—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES

1331. Requirement to procure commercial space transportation services. [14731]

1332. Acquisition of commercial space transportation services. [14732]

1333. Shuttle privatization. [14733]

1334. Use of excess intercontinental ballistic missiles. [14734]

1335. National launch capability study. [14735]

SUBCHAPTER IV—COMMERCIAL REUSABLE IN-SPACE TRANSPORTATION

1351. Definitions for subchapter IV. [14753, Act §904]

1352. Findings. [14751, Act §902]

1353. Loan guarantees for production of commercial reusable in-space transportation.
[14752, Act §903]

3 SUBCHAPTER I—DEFINITIONS FOR SUBCHAPTERS I TO III

4 **§ 1301. Definitions for subchapters I to III**

5 In subchapters I to III:

6 (1) **COMMERCIAL PROVIDER.**—The term “commercial provider”
7 means any person providing space transportation services or other
8 space-related activities, primary control of which is held by persons
9 other than Federal, State, local, and foreign governments.

10 (2) **PAYLOAD.**—The term “payload” means anything that a person
11 undertakes to transport to, from, or within outer space, or in suborbital
12 trajectory, by means of a space transportation vehicle, but does not in-
13 clude the space transportation vehicle itself except for its components
14 which are specifically designed or adapted for that payload.

15 (3) **SPACE-RELATED ACTIVITIES.**—The term “space-related activi-
16 ties” includes research and development, manufacturing, processing,
17 service, and other associated and support activities.

18 (4) **SPACE TRANSPORTATION SERVICES.**—The term “space transpor-
19 tation services” means the preparation of a space transportation vehicle
20 and its payloads for transportation to, from, or within outer space, or

1 in suborbital trajectory, and the conduct of transporting a payload to,
2 from, or within outer space, or in suborbital trajectory.

3 (5) SPACE TRANSPORTATION VEHICLE.—The term “space transpor-
4 tation vehicle” means any vehicle constructed for the purpose of oper-
5 ating in, or transporting a payload to, from, or within, outer space, or
6 in suborbital trajectory, and includes any component of such vehicle not
7 specifically designed or adapted for a payload.

8 (6) STATE.—The term “State” means each of the several States of
9 the Union, the District of Columbia, the Commonwealth of Puerto
10 Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth
11 of the Northern Mariana Islands, and any other commonwealth, terri-
12 tory, or possession of the United States.

13 (7) UNITED STATES COMMERCIAL PROVIDER.—The term “United
14 States commercial provider” means a commercial provider, organized
15 under the laws of the United States or of a State, which is—

16 (A) more than 50 percent owned by United States nationals; or

17 (B) a subsidiary of a foreign company and the Secretary of
18 Transportation finds that—

19 (i) such subsidiary has in the past evidenced a substantial
20 commitment to the United States market through—

21 (I) investments in the United States in long-term re-
22 search, development, and manufacturing (including the
23 manufacture of major components and subassemblies);
24 and

25 (II) significant contributions to employment in the
26 United States; and

27 (ii) the country or countries in which such foreign company
28 is incorporated or organized, and, if appropriate, in which it
29 principally conducts its business, affords reciprocal treatment
30 to companies described in subparagraph (A) comparable to
31 that afforded to such foreign company’s subsidiary in the
32 United States, as evidenced by—

33 (I) providing comparable opportunities for companies
34 described in subparagraph (A) to participate in Govern-
35 ment sponsored research and development similar to that
36 authorized under this chapter;

37 (II) providing no barriers, to companies described in
38 subparagraph (A) with respect to local investment oppor-
39 tunities, that are not provided to foreign companies in
40 the United States; and

1 (III) providing adequate and effective protection for
 2 the intellectual property rights of companies described in
 3 subparagraph (A).

SECTION 1301

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1301	42:14701.	Pub. L. 105–303, § 2, Oct. 28, 1998, 112 Stat. 2843.

The definition of “Administrator” in section 2 of the Commercial Space Act of 1998 (Public Law 105–303, 112 Stat. 2843) is omitted as unnecessary because of the definition added by section 101 of title 51.

4 SUBCHAPTER II—PROMOTION OF COMMERCIAL SPACE 5 OPPORTUNITIES

6 **§ 1311. Commercialization of Space Station**

7 The Congress declares that a priority goal of constructing the Inter-
 8 national Space Station is the economic development of Earth orbital space.
 9 The Congress further declares that free and competitive markets create the
 10 most efficient conditions for promoting economic development, and should
 11 therefore govern the economic development of Earth orbital space. The Con-
 12 gress further declares that the use of free market principles in operating,
 13 servicing, allocating the use of, and adding capabilities to the Space Station,
 14 and the resulting fullest possible engagement of commercial providers and
 15 participation of commercial users, will reduce Space Station operational
 16 costs for all partners and the Federal Government’s share of the United
 17 States burden to fund operations.

SECTION 1311

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1311	42:14711(a).	Pub. L. 105–303, title I, § 101(a), Oct. 28, 1998, 112 Stat. 2845.

18 **§ 1312. Promotion of United States Global Positioning Sys-** 19 **tem standards**

20 (a) FINDING.—The Congress finds that the Global Positioning System,
 21 including satellites, signal equipment, ground stations, data links, and asso-
 22 ciated command and control facilities, has become an essential element in
 23 civil, scientific, and military space development because of the emergence of
 24 a United States commercial industry which provides Global Positioning Sys-
 25 tem equipment and related services.

26 (b) INTERNATIONAL COOPERATION.—In order to support and sustain the
 27 Global Positioning System in a manner that will most effectively contribute

to the national security, public safety, scientific, and economic interests of the United States, the Congress encourages the President to—

(1) ensure the operation of the Global Positioning System on a continuous worldwide basis free of direct user fees;

(2) enter into international agreements that promote cooperation with foreign governments and international organizations to—

(A) establish the Global Positioning System and its augmentations as an acceptable international standard; and

(B) eliminate any foreign barriers to applications of the Global Positioning System worldwide; and

(3) provide clear direction and adequate resources to the Assistant Secretary of Commerce for Communications and Information so that on an international basis the Assistant Secretary can—

(A) achieve and sustain efficient management of the electromagnetic spectrum used by the Global Positioning System; and

(B) protect that spectrum from disruption and interference.

SECTION 1312

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1312	42:14712.	Pub. L. 105-303, title I, § 104, Oct. 28, 1998, 112 Stat. 2852.

§ 1313. Acquisition of space science data

(a) ACQUISITION FROM COMMERCIAL PROVIDERS.—The Administrator shall, to the extent possible and while satisfying the scientific or educational requirements of the Administration, and where appropriate, of other Federal agencies and scientific researchers, acquire, where cost effective, space science data from a commercial provider.

(b) TREATMENT OF SPACE SCIENCE DATA AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions of space science data by the Administrator shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10). For purposes of such law and regulations, space science data shall be considered to be a commercial item. Nothing in this subsection shall be construed to preclude the United States from acquiring, through contracts with commercial providers, sufficient rights in data to meet the needs of the scientific and educational community or the needs of other government activities.

(c) DEFINITION OF “SPACE SCIENCE DATA”.—In this section, the term “space science data” includes scientific data concerning—

(1) the elemental and mineralogical resources of the moon, asteroids, planets and their moons, and comets;

(2) microgravity acceleration; and

1 (3) solar storm monitoring.

2 (d) SAFETY STANDARDS.—Nothing in this section shall be construed to
3 prohibit the Federal Government from requiring compliance with applicable
4 safety standards.

5 (e) LIMITATION.—This section does not authorize the Administration to
6 provide financial assistance for the development of commercial systems for
7 the collection of space science data.

SECTION 1313

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1313	42:14713.	Pub. L. 105–303, title I, § 105, Oct. 28, 1998, 112 Stat. 2852.

8 § 1314. Administration of commercial space centers

9 The Administrator shall administer the Commercial Space Center pro-
10 gram in a coordinated manner from Administration headquarters in Wash-
11 ington, D.C.

SECTION 1314

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1314	42:14714.	Pub. L. 105–303, title I, § 106, Oct. 28, 1998, 112 Stat. 2853.

12 § 1315. Sources of Earth Science data

13 (a) ACQUISITION.—The Administrator shall, to the extent possible and
14 while satisfying the scientific or educational requirements of the Administra-
15 tion, and where appropriate, of other Federal agencies and scientific re-
16 searchers, acquire, where cost-effective, space-based and airborne Earth re-
17 mote sensing data, services, distribution, and applications from a commer-
18 cial provider.

19 (b) TREATMENT AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Ac-
20 quisitions by the Administrator of the data, services, distribution, and appli-
21 cations referred to in subsection (a) shall be carried out in accordance with
22 applicable acquisition laws and regulations (including chapters 137 and 140
23 of title 10). For purposes of such law and regulations, such data, services,
24 distribution, and applications shall be considered to be a commercial item.
25 Nothing in this subsection shall be construed to preclude the United States
26 from acquiring, through contracts with commercial providers, sufficient
27 rights in data to meet the needs of the scientific and educational community
28 or the needs of other government activities.

29 (c) SAFETY STANDARDS.—Nothing in this section shall be construed to
30 prohibit the Federal Government from requiring compliance with applicable
31 safety standards.

(d) ADMINISTRATION AND EXECUTION.—This section shall be carried out as part of the Commercial Remote Sensing Program at the Stennis Space Center.

SECTION 1315

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1315(a)	42:14715(a).	Pub. L. 105–303, title I, § 107(a), (b), (d), (e), Oct. 28, 1998, 112 Stat. 2853, 2854.
1315(b)	42:14715(b).	
1315(c)	42:14715(d).	
1315(d)	42:14715(e).	

SUBCHAPTER III—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES

§ 1331. Requirement to procure commercial space transportation services

(a) IN GENERAL.—Except as otherwise provided in this section, the Federal Government shall acquire space transportation services from United States commercial providers whenever such services are required in the course of its activities. To the maximum extent practicable, the Federal Government shall plan missions to accommodate the space transportation services capabilities of United States commercial providers.

(b) EXCEPTIONS.—The Federal Government shall not be required to acquire space transportation services under subsection (a) if, on a case-by-case basis, the Administrator or, in the case of a national security issue, the Secretary of the Air Force, determines that—

- (1) a payload requires the unique capabilities of the space shuttle;
- (2) cost effective space transportation services that meet specific mission requirements would not be reasonably available from United States commercial providers when required;
- (3) the use of space transportation services from United States commercial providers poses an unacceptable risk of loss of a unique scientific opportunity;
- (4) the use of space transportation services from United States commercial providers is inconsistent with national security objectives;
- (5) the use of space transportation services from United States commercial providers is inconsistent with international agreements for international collaborative efforts relating to science and technology;
- (6) it is more cost effective to transport a payload in conjunction with a test or demonstration of a space transportation vehicle owned by the Federal Government; or
- (7) a payload can make use of the available cargo space on a space shuttle mission as a secondary payload, and such payload is consistent with the requirements of research, development, demonstration, sci-

entific, commercial, and educational programs authorized by the Administrator.

Nothing in this section shall prevent the Administrator from planning or negotiating agreements with foreign entities for the launch of Federal Government payloads for international collaborative efforts relating to science and technology.

(c) DELAYED EFFECT.—Subsection (a) shall not apply to space transportation services and space transportation vehicles acquired or owned by the Federal Government before October 28, 1998, or with respect to which a contract for such acquisition or ownership has been entered into before October 28, 1998.

(d) HISTORICAL PURPOSES.—This section shall not be construed to prohibit the Federal Government from acquiring, owning, or maintaining space transportation vehicles solely for historical display purposes.

SECTION 1331

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1331	42:14731.	Pub. L. 105–303, title II, § 201, Oct. 28, 1998, 112 Stat. 2854.

In subsection (c), the date “October 28, 1998” is substituted for “the date of the enactment of this Act” and for “such date” to reflect the date of enactment of the Commercial Space Act of 1998 (Public Law 105–303, 112 Stat. 2843).

§ 1332. Acquisition of commercial space transportation services

(a) TREATMENT OF COMMERCIAL SPACE TRANSPORTATION SERVICES AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions of space transportation services by the Federal Government shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10). For purposes of such law and regulations, space transportation services shall be considered to be a commercial item.

(b) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

SECTION 1332

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1332	42:14732.	Pub. L. 105–303, title II, § 202, Oct. 28, 1998, 112 Stat. 2855.

§ 1333. Shuttle privatization

The Administrator shall prepare for an orderly transition from the Federal operation, or Federal management of contracted operation, of space

1 transportation systems to the Federal purchase of commercial space trans-
 2 portation services for all nonemergency space transportation requirements
 3 for transportation to and from Earth orbit, including human, cargo, and
 4 mixed payloads. In those preparations, the Administrator shall take into ac-
 5 count the need for short-term economies, as well as the goal of restoring
 6 the Administration's research focus and its mandate to promote the fullest
 7 possible commercial use of space. As part of those preparations, the Admin-
 8 istrator shall plan for the potential privatization of the space shuttle pro-
 9 gram. Such plan shall keep safety and cost effectiveness as high priorities.
 10 Nothing in this section shall prohibit the Administration from studying, de-
 11 signing, developing, or funding upgrades or modifications essential to the
 12 safe and economical operation of the space shuttle fleet.

SECTION 1333

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1333	42:14733(a).	Pub. L. 105-303, title II, § 204(a), Oct. 28, 1998, 112 Stat. 2856.

13 § 1334. Use of excess intercontinental ballistic missiles

14 (a) IN GENERAL.—The Federal Government shall not—

15 (1) convert any missile described in subsection (c) to a space trans-
 16 portation vehicle configuration; or

17 (2) transfer ownership of any such missile to another person, except
 18 as provided in subsection (b).

19 (b) AUTHORIZED FEDERAL USES.—

20 (1) IN GENERAL.—A missile described in subsection (c) may be con-
 21 verted for use as a space transportation vehicle by the Federal Govern-
 22 ment if, except as provided in paragraph (2) and at least 30 days be-
 23 fore such conversion, the agency seeking to use the missile as a space
 24 transportation vehicle transmits to the Committee on Armed Services
 25 and the Committee on Science of the House of Representatives, and
 26 to the Committee on Armed Services and the Committee on Commerce,
 27 Science, and Transportation of the Senate, a certification that the use
 28 of such missile—

29 (A) would result in cost savings to the Federal Government
 30 when compared to the cost of acquiring space transportation serv-
 31 ices from United States commercial providers;

32 (B) meets all mission requirements of the agency, including per-
 33 formance, schedule, and risk requirements;

34 (C) is consistent with international obligations of the United
 35 States; and

(D) is approved by the Secretary of Defense or the designee of the Secretary of Defense.

(2) EXCEPTION TO REQUIREMENT THAT CERTIFICATION BE TRANSMITTED 30 DAYS BEFORE CONVERSION.—The requirement under paragraph (1) that the certification described in that paragraph must be transmitted at least 30 days before conversion of the missile shall not apply if the Secretary of Defense determines that compliance with that requirement would be inconsistent with meeting immediate national security requirements.

(c) MISSILES REFERRED TO.—The missiles referred to in this section are missiles owned by the United States that—

(1) were formerly used by the Department of Defense for national defense purposes as intercontinental ballistic missiles; and

(2) have been declared excess to United States national defense needs and are in compliance with international obligations of the United States.

SECTION 1334

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1334	42:14734.	Pub. L. 105-303, title II, §205, Oct. 28, 1998, 112 Stat. 2857; Pub. L. 106-65, div. A, title X, §1067(21), Oct. 5, 1999, 113 Stat. 775.

§ 1335. National launch capability study

(a) FINDINGS.—Congress finds that a robust satellite and launch industry in the United States serves the interest of the United States by—

(1) contributing to the economy of the United States;

(2) strengthening employment, technological, and scientific interests of the United States; and

(3) serving the foreign policy and national security interests of the United States.

(b) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means the Secretary of Defense.

(2) TOTAL POTENTIAL NATIONAL MISSION MODEL.—The term “total potential national mission model” means a model that—

(A) is determined by the Secretary, in consultation with the Administrator, to assess the total potential space missions to be conducted in the United States during a specified period of time; and

(B) includes all launches in the United States (including launches conducted on or off a Federal range).

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after October 28, 1998, the Secretary shall, in consultation with the Administrator and appropriate representatives of the satellite and launch industry and the governments of States and political subdivisions thereof—

(A) prepare a report that meets the requirements of this subsection; and

(B) submit that report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

(2) REQUIREMENTS FOR REPORT.—The report prepared under this subsection shall—

(A) identify the total potential national mission model for the period beginning on the date of the report and ending on December 31, 2007;

(B) identify the resources that are necessary or available to carry out the total potential national mission model described in subparagraph (A), including—

(i) launch property and services of the Department of Defense, the Administration, and non-Federal facilities; and

(ii) the ability to support commercial launch-on-demand on short notification, taking into account Federal requirements, at launch sites or test ranges in the United States;

(C) identify each deficiency in the resources referred to in subparagraph (B); and

(D) with respect to the deficiencies identified under subparagraph (C), include estimates of the level of funding necessary to address those deficiencies for the period described in subparagraph (A).

(d) RECOMMENDATIONS.—Based on the reports under subsection (c), the Secretary, after consultation with the Secretary of Transportation, the Secretary of Commerce, and representatives from interested private sector entities, States, and local governments, shall—

(1) identify opportunities for investment by non-Federal entities (including States and political subdivisions thereof and private sector entities) to assist the Federal Government in providing launch capabilities for the commercial space industry in the United States;

(2) identify one or more methods by which, if sufficient resources referred to in subsection (c)(2)(D) are not available to the Department of Defense and the Administration, the control of the launch property and launch services of the Department of Defense and the Administra-

tion may be transferred from the Department of Defense and the Administration to—

(A) one or more other Federal agencies;

(B) one or more States (or subdivisions thereof);

(C) one or more private sector entities; or

(D) any combination of the entities described in subparagraphs

(A) to (C); and

(3) identify the technical, structural, and legal impediments associated with making launch sites or test ranges in the United States viable and competitive.

SECTION 1335

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1335	42:14735.	Pub. L. 105–303, title II, §206, Oct. 28, 1998, 112 Stat. 2857.

In subsection (c)(1), in the matter before clause (A), the date “October 28, 1998” is substituted for “the date of enactment of this Act” to reflect the date of enactment of the Commercial Space Act of 1998 (Public Law 105–303, 112 Stat. 2843).

SUBCHAPTER IV—COMMERCIAL REUSABLE IN-SPACE TRANSPORTATION

§ 1351. Definitions for subchapter IV

In this subchapter:

(1) SECRETARY.—The term “Secretary” means the Secretary of Defense.

(2) COMMERCIAL PROVIDER.—The term “commercial provider” means any person or entity providing commercial reusable in-orbit space transportation services or systems, primary control of which is held by persons other than the Federal Government, a State or local government, or a foreign government.

(3) IN-SPACE TRANSPORTATION SERVICES.—The term “in-space transportation services” means operations and activities involved in the direct transportation or attempted transportation of a payload or object from one orbit to another by means of an in-space transportation vehicle.

(4) IN-SPACE TRANSPORTATION SYSTEM.—The term “in-space transportation system” means the space and ground elements, including in-space transportation vehicles and support space systems, and ground administration and control facilities and associated equipment, necessary for the provision of in-space transportation services.

(5) IN-SPACE TRANSPORTATION VEHICLE.—The term “in-space transportation vehicle” means a vehicle designed—

- 1 (A) to be based and operated in space;
 2 (B) to transport various payloads or objects from one orbit to
 3 another orbit; and
 4 (C) to be reusable and refueled in space.
 5 (6) UNITED STATES COMMERCIAL PROVIDER.—The term “United
 6 States commercial provider” means any commercial provider organized
 7 under the laws of the United States that is more than 50 percent
 8 owned by United States nationals.

SECTION 1351

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1351	42:14753.	Pub. L. 107-248, title IX, § 904, Oct. 23, 2002, 116 Stat. 1576.

9 **§ 1352. Findings**

10 Congress makes the following findings:

- 11 (1) It is in the national interest to encourage the production of cost-
 12 effective, in-space transportation systems, which would be built and op-
 13 erated by the private sector on a commercial basis.
 14 (2) The use of reusable in-space transportation systems will enhance
 15 performance levels of in-space operations, enhance efficient and safe
 16 disposal of satellites at the end of their useful lives, and increase the
 17 capability and reliability of existing ground-to-space launch vehicles.
 18 (3) Commercial reusable in-space transportation systems will en-
 19 hance the economic well-being and national security of the United
 20 States by reducing space operations costs for commercial and national
 21 space programs and by adding new space capabilities to space oper-
 22 ations.
 23 (4) Commercial reusable in-space transportation systems will provide
 24 new cost-effective space capabilities including orbital transfers from low
 25 altitude orbits to high altitude orbits and return, the correction of erro-
 26 neous satellite orbits, and the recovery, refurbishment, and refueling of
 27 satellites) and the provision of upper stage functions to increase
 28 ground-to-orbit launch vehicle payloads to geostationary and other high
 29 energy orbits.
 30 (5) Commercial reusable in-space transportation systems can en-
 31 hance and enable the space exploration of the United States by pro-
 32 viding lower cost trajectory injection from Earth orbit, transit trajec-
 33 tory control, and planet arrival deceleration to support potential Ad-
 34 ministration missions to Mars, Pluto, and other planets.
 35 (6) Satellites stranded in erroneous Earth orbit due to deficiencies
 36 in their launch represent substantial economic loss to the United States

and present substantial concerns for the current backlog of national space assets.

(7) Commercial reusable in-space transportation systems can provide new options for alternative planning approaches and risk management to enhance the mission assurance of national space assets.

(8) Commercial reusable in-space transportation systems developed by the private sector can provide in-space transportation services to the Administration, the Department of Defense, the National Reconnaissance Office, and other agencies without the need for the United States to bear the cost of production of such systems.

(9) The availability of loan guarantees, with the cost of credit risk to the United States paid by the private-sector, is an effective means by which the United States can help qualifying private-sector companies secure otherwise unattainable private financing for the production of commercial reusable in-space transportation systems, while at the same time minimizing Government commitment and involvement in the development of such systems.

SECTION 1352

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1352	42:14751.	Pub. L. 107-248, title IX, § 902, Oct. 23, 2002, 116 Stat. 1573.

In paragraphs (5) and (6), the word “Earth” is capitalized for consistency in title 51.

§ 1353. Loan guarantees for production of commercial reusable in-space transportation

(a) **AUTHORITY TO MAKE LOAN GUARANTEES.**—The Secretary may guarantee loans made to eligible United States commercial providers for purposes of producing commercial reusable in-space transportation services or systems.

(b) **ELIGIBLE UNITED STATES COMMERCIAL PROVIDERS.**—The Secretary shall prescribe requirements for the eligibility of United States commercial providers for loan guarantees under this section. Such requirements shall ensure that eligible providers are financially capable of undertaking a loan guaranteed under this section.

(c) **LIMITATION ON LOANS GUARANTEED.**—The Secretary may not guarantee a loan for a United States commercial provider under this section unless the Secretary determines that credit would not otherwise be reasonably available at the time of the guarantee for the commercial reusable in-space transportation service or system to be produced utilizing the proceeds of the loan.

(d) **CREDIT SUBSIDY.**—

(1) COLLECTION REQUIRED.—The Secretary shall collect from each United States commercial provider receiving a loan guarantee under this section an amount equal to the amount, as determined by the Secretary, to cover the cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)), of the loan guarantee.

(2) PERIODIC DISBURSEMENTS.—In the case of a loan guarantee in which proceeds of the loan are disbursed over time, the Secretary shall collect the amount required under this subsection on a pro rata basis, as determined by the Secretary, at the time of each disbursement.

(e) OTHER TERMS AND CONDITIONS.—

(1) PROHIBITION ON SUBORDINATION.—A loan guaranteed under this section may not be subordinated to another debt contracted by the United States commercial provider concerned, or to any other claims against such provider.

(2) RESTRICTION ON INCOME.—A loan guaranteed under this section may not—

(A) provide income which is excluded from gross income for purposes of chapter 1 of the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.); or

(B) provide significant collateral or security, as determined by the Secretary, for other obligations the income from which is so excluded.

(3) TREATMENT OF GUARANTEE.—The guarantee of a loan under this section shall be conclusive evidence of the following:

(A) That the guarantee has been properly obtained.

(B) That the loan qualifies for the guarantee.

(C) That, but for fraud or material misrepresentation by the holder of the loan, the guarantee is valid, legal, and enforceable.

(4) OTHER TERMS AND CONDITIONS.—The Secretary may establish any other terms and conditions for a guarantee of a loan under this section, as the Secretary considers appropriate to protect the financial interests of the United States.

(f) ENFORCEMENT OF RIGHTS.—

(1) IN GENERAL.—The Attorney General may take any action the Attorney General considers appropriate to enforce any right accruing to the United States under a loan guarantee under this section.

(2) FORBEARANCE.—The Attorney General may, with the approval of the parties concerned, forbear from enforcing any right of the United States under a loan guaranteed under this section for the benefit of a United States commercial provider if such forbearance will not

result in any cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)), to the United States.

(3) UTILIZATION OF PROPERTY.—Notwithstanding any other provision of law and subject to the terms of a loan guaranteed under this section, upon the default of a United States commercial provider under the loan, the Secretary may, at the election of the Secretary—

(A) assume control of the physical asset financed by the loan;

and

(B) complete, recondition, reconstruct, renovate, repair, maintain, operate, or sell the physical asset.

(g) CREDIT INSTRUMENTS.—

(1) AUTHORITY TO ISSUE INSTRUMENTS.—Notwithstanding any other provision of law, the Secretary may, subject to such terms and conditions as the Secretary considers appropriate, issue credit instruments to United States commercial providers of in-space transportation services or system, with the aggregate cost (as determined under the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)) of such instruments not to exceed \$1,500,000,000, but only to the extent that new budget authority to cover such costs is provided in subsequent appropriations Acts or authority is otherwise provided in subsequent appropriations Acts.

(2) CREDIT SUBSIDY.—The Secretary shall provide a credit subsidy for any credit instrument issued under this subsection in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(3) CONSTRUCTION.—The eligibility of a United States commercial provider of in-space transportation services or systems for a credit instrument under this subsection is in addition to any eligibility of such provider for a loan guarantee under other provisions of this section.

SECTION 1353

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1353	42:14752.	Pub. L. 107-248, title IX, § 903, Oct. 23, 2002, 116 Stat. 1574.

CHAPTER 15—COMMERCIAL SPACE COMPETITIVENESS

Sec.

1501. Findings. [5801]

1502. Definitions. [5802]

1503. Anchor tenancy and termination liability. [5806]

1504. Use of Government facilities. [5807]

1505. Commercial Space Achievement Award. [5808]

§ 1501. Findings

The Congress finds that—

(1) commercial activities of the private sector have substantially contributed to the strength of both the United States space program and the national economy;

(2) a robust United States space transportation capability remains a vital cornerstone of the United States space program;

(3) the availability of commercial launch services is essential for the continued growth of the United States commercial space sector;

(4) a timely extension of the excess third party claims payment provisions of chapter 701 of title 49 is appropriate and necessary to enable the private sector to continue covering maximum probable liability risks while protecting the private sector from uninsurable levels of liability which could hinder international competitiveness;

(5) a program to demonstrate how recipients of Federal grants can purchase launch services directly from the private sector has the potential to improve the capabilities of the United States commercial launch industry;

(6) improvements and additions to the Nation's space transportation infrastructure contribute to a robust and cost effective space transportation capability for both public sector and private sector users;

(7) private sector use of available Government facilities on a reimbursable basis contributes to a stronger commercial space sector;

(8) the Federal Government should purchase space goods and services which are commercially available, or could be made available commercially in response to a Government procurement request, whenever such goods or services meet Government mission requirements in a cost effective manner;

(9) it is appropriate for the Government to act as an anchor tenant for commercial space development projects which have a reasonable potential to develop non-Federal markets and which meet Federal needs in a cost effective manner; and

(10) the provision of compensation to commercial providers of space goods and services for termination of contracts at the convenience of the Government assists in enabling the private sector to invest in space activities which are initially dependent on Government purchases.

SECTION 1501

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1501	15:5801.	Pub. L. 102-588, title V, § 501, Nov. 4, 1992, 106 Stat. 5122.

In clause (4), the words “chapter 701 of title 49” are substituted for “the Commercial Space Launch Act” on authority of section 6(b) of Public Law 103-272 (108 Stat. 1378), the first section of which enacted subtitles II, III, and V to X of Title 49, Transportation.

1 **§ 1502. Definitions**

2 In this chapter:

3 (1) AGENCY.—The term “agency” means an executive agency as de-
4 fined by section 105 of title 5.

5 (2) ANCHOR TENANCY.—The term “anchor tenancy” means an ar-
6 rangement in which the United States Government agrees to procure
7 sufficient quantities of a commercial space product or service needed
8 to meet Government mission requirements so that a commercial ven-
9 ture is made viable.

10 (3) COMMERCIAL.—The term “commercial” means having—

11 (A) private capital at risk; and

12 (B) primary financial and management responsibility for the ac-
13 tivity reside with the private sector.

14 (4) COST EFFECTIVE.—The term “cost effective” means costing no
15 more than the available alternatives, determined by a comparison of all
16 related direct and indirect costs including, in the case of Government
17 costs, applicable Government labor and overhead costs as well as con-
18 tractor charges, and taking into account the ability of each alternative
19 to accommodate mission requirements as well as the related factors of
20 risk, reliability, schedule, and technical performance.

21 (5) LAUNCH.—The term “launch” means to place, or attempt to
22 place, a launch vehicle and its payload, if any, in a suborbital trajec-
23 tory, in Earth orbit in outer space, or otherwise in outer space.

24 (6) LAUNCH SERVICES.—The term “launch services” means activi-
25 ties involved in the preparation of a launch vehicle and its payload for
26 launch and the conduct of a launch.

27 (7) LAUNCH SUPPORT FACILITIES.—The term “launch support fa-
28 cilities” means facilities located at launch sites or launch ranges that
29 are required to support launch activities, including launch vehicle as-
30 sembly, launch vehicle operations and control, communications, flight
31 safety functions, and payload operations, control, and processing.

32 (8) LAUNCH VEHICLE.—The term “launch vehicle” means any vehi-
33 cle constructed for the purpose of operating in or placing a payload in,
34 outer space or in suborbital trajectories, and includes components of
35 that vehicle.

36 (9) PAYLOAD.—The term “payload” means an object which a person
37 undertakes to launch, and includes subcomponents of the launch vehicle
38 specifically designed or adapted for that object.

39 (10) PAYLOAD INTEGRATION SERVICES.—The term “payload inte-
40 gration services” means activities involved in integrating multiple pay-

loads into a single payload for launch or integrating a payload with a launch vehicle.

(11) SPACE RECOVERY SUPPORT FACILITIES.—The term “space recovery support facilities” means facilities required to support activities related to the recovery of payloads returned from space to a space recovery site, including operations and control, communications, flight safety functions, and payload processing.

(12) SPACE TRANSPORTATION INFRASTRUCTURE.—The term “space transportation infrastructure” means facilities, associated equipment, and real property, including launch sites, launch support facilities, space recovery sites, and space recovery support facilities, required to perform launch or space recovery activities.

(13) STATE.—The term “State” means the several States, the District of Columbia, Puerto Rico, American Samoa, the United States Virgin Islands, Guam, the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

(14) UNITED STATES.—The term “United States” means the States, collectively.

SECTION 1502

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1502	15:5802.	Pub. L. 102-588, title V, § 502, Nov. 4, 1992, 106 Stat. 5123.

§ 1503. Anchor tenancy and termination liability

(a) ANCHOR TENANCY CONTRACTS.—Subject to appropriations, the Administrator or the Administrator of the National Oceanic and Atmospheric Administration may enter into multiyear anchor tenancy contracts for the purchase of a good or service if the appropriate Administrator determines that—

(1) the good or service meets the mission requirements of the Administration or the National Oceanic and Atmospheric Administration, as appropriate;

(2) the commercially procured good or service is cost effective;

(3) the good or service is procured through a competitive process;

(4) existing or potential customers for the good or service other than the United States Government have been specifically identified;

(5) the long-term viability of the venture is not dependent upon a continued Government market or other nonreimbursable Government support; and

(6) private capital is at risk in the venture.

(b) TERMINATION LIABILITY.—

(1) IN GENERAL.—Contracts entered into under subsection (a) may provide for the payment of termination liability in the event that the Government terminates such contracts for its convenience.

(2) FIXED SCHEDULE OF PAYMENTS AND LIMITATION ON LIABILITY.—Contracts that provide for the payment of termination liability, as described in paragraph (1), shall include a fixed schedule of such termination liability payments. Liability under such contracts shall not exceed the total payments which the Government would have made after the date of termination to purchase the good or service if the contract were not terminated.

(3) USE OF FUNDS.—Subject to appropriations, funds available for such termination liability payments may be used for purchase of the good or service upon successful delivery of the good or service pursuant to the contract. In such case, sufficient funds shall remain available to cover any remaining termination liability.

(c) LIMITATIONS.—

(1) DURATION.—Contracts entered into under this section shall not exceed 10 years in duration.

(2) FIXED PRICE.—Such contracts shall provide for delivery of the good or service on a firm, fixed price basis.

(3) PERFORMANCE SPECIFICATIONS.—To the extent practicable, reasonable performance specifications shall be used to define technical requirements in such contracts.

(4) FAILURE TO PERFORM.—In any such contract, the appropriate Administrator shall reserve the right to completely or partially terminate the contract without payment of such termination liability because of the contractor's actual or anticipated failure to perform its contractual obligations.

SECTION 1503

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1503	15:5806.	Pub. L. 102-588, title V, § 507, Nov. 4, 1992, 106 Stat. 5127.

§ 1504. Use of Government facilities

(a) AUTHORITY.—Federal agencies, including the Administration and the Department of Defense, may allow non-Federal entities to use their space-related facilities on a reimbursable basis if the Administrator, the Secretary of Defense, or the appropriate agency head determines that—

(1) the facilities will be used to support commercial space activities;

(2) such use can be supported by existing or planned Federal resources;

1 (3) such use is compatible with Federal activities;

2 (4) equivalent commercial services are not available on reasonable
3 terms; and

4 (5) such use is consistent with public safety, national security, and
5 international treaty obligations.

6 In carrying out paragraph (5), each agency head shall consult with appro-
7 priate Federal officials.

8 (b) REIMBURSEMENT PAYMENT.—

9 (1) AMOUNT.—The reimbursement referred to in subsection (a) may
10 be an amount equal to the direct costs (including salaries of United
11 States civilian and contractor personnel) incurred by the United States
12 as a result of the use of such facilities by the private sector. For the
13 purposes of this paragraph, the term “direct costs” means the actual
14 costs that can be unambiguously associated with such use, and would
15 not be borne by the United States Government in the absence of such
16 use.

17 (2) CREDIT TO APPROPRIATION.—The amount of any payment re-
18 ceived by the United States for use of facilities under this subsection
19 shall be credited to the appropriation from which the cost of providing
20 such facilities was paid.

SECTION 1504

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1504	15:5807.	Pub. L. 102-588, title V, § 508, Nov. 4, 1992, 106 Stat. 5128.

21 § 1505. Commercial Space Achievement Award

22 (a) ESTABLISHMENT.—There is established a Commercial Space Achieve-
23 ment Award. The award shall consist of a medal, which shall be of such
24 design and materials and bear such inscriptions as determined by the Sec-
25 retary of Commerce. A cash prize may also be awarded if funding for the
26 prize is available under subsection (d).

27 (b) CRITERIA FOR AWARD.—The Secretary of Commerce shall periodi-
28 cally make awards under this section to individuals, corporations, corporate
29 divisions, or corporate subsidiaries substantially engaged in commercial
30 space activities who in the opinion of the Secretary of Commerce best meet
31 the following criteria:

32 (1) For corporate entities, at least one-half of the revenues from the
33 space-related activities of the corporation, division, or subsidiary is de-
34 rived from sources other than the United States Government.

35 (2) The activities and achievements of the individual, corporation, di-
36 vision, or subsidiary have substantially contributed to the United States

1 gross national product and the stature of United States industry in
 2 international markets, with due consideration for both the economic
 3 magnitude and the technical quality of the activities and achievements.

4 (3) The individual, corporation, division, or subsidiary has substan-
 5 tially advanced space technology and space applications directly related
 6 to commercial space activities.

7 (e) LIMITATIONS.—No individual or corporate entity may receive an
 8 award under this section more than once every 5 years.

9 (d) FUNDING FOR AWARD.—The Secretary of Commerce may seek and
 10 accept gifts of money from public and private sources for the purpose of
 11 making cash prize awards under this section. Such money may be used only
 12 for that purpose, only such money may be used for that purpose, and the
 13 Secretary of Commerce shall make publicly available an itemized list of the
 14 sources of such funding.

SECTION 1505

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1505	15:5808.	Pub. L. 102-588, title V, § 510, Nov. 4, 1992, 106 Stat. 5129.

In subsection (b), the words “and the Chairman of the National Space Council shall present” are omitted as obsolete. The National Space Council, which was established by section 501 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989 (Public Law 100-685, 102 Stat. 4102, 42 U.S.C. 2471), has not functioned or been staffed since 1993.

15 SEC. 4. CONFORMING AMENDMENTS TO OTHER LAWS.

16 (a) TITLE 31.—Section 1304(a)(3)(D) of title 31, United States Code,
 17 is amended by striking “section 203 of the National Aeronautics and Space
 18 Act of 1958 (42 U.S.C. 2473)” and substituting “section 312 of title 51”.

19 (b) TITLE 35.—Section 210(a)(7) of title 35, United States Code, is
 20 amended by striking “section 305 of the National Aeronautics and Space
 21 Act of 1958 (42 U.S.C. 2457)” and substituting “section 335 of title 51”.

22 (c) TITLE 49.—Title 49, United States Code, is amended as follows:

23 (1) Section 70117(b)(2) is amended by striking “the Land Remote
 24 Sensing Policy Act of 1992 (15 U.S.C. 5601 et seq.)” and substituting
 25 “chapter 11 of title 51”.

26 (2) Section 70301(1) is amended by striking “section 502 of the Na-
 27 tional Aeronautics and Space Administration Authorization Act, Fiscal
 28 Year 1993 (15 U.S.C. 5802)” and substituting “section 1502 of title
 29 51”.

30 SEC. 5. TRANSITIONAL AND SAVINGS PROVISIONS.

31 (a) CUTOFF DATE.—This Act replaces certain provisions of law enacted
 32 on or before February 28, 2005. If a law enacted after that date amends

1 or repeals a provision replaced by this Act, that law is deemed to amend
 2 or repeal, as the case may be, the corresponding provision enacted by this
 3 Act. If a law enacted after that date is otherwise inconsistent with this Act,
 4 it supersedes this Act to the extent of the inconsistency.

5 (b) ORIGINAL DATE OF ENACTMENT UNCHANGED.—For purposes of de-
 6 termining whether one provision of law supersedes another based on enact-
 7 ment later in time, the date of enactment of a provision enacted by this Act
 8 is deemed to be the date of enactment of the provision it replaced.

9 (c) REFERENCES TO PROVISIONS REPLACED.—A reference to a provision
 10 of law replaced by this Act, including a reference in another law or in a
 11 regulation, order, or other administrative action, is deemed to refer to the
 12 corresponding provision enacted by this Act.

13 (d) REGULATIONS, ORDERS, AND OTHER ADMINISTRATIVE ACTIONS.—A
 14 regulation, order, or other administrative action in effect under a provision
 15 of law replaced by this Act continues in effect under the corresponding pro-
 16 vision enacted by this Act.

17 (e) ACTIONS TAKEN AND OFFENSES COMMITTED.—An action taken or
 18 an offense committed under a provision of law replaced by this Act is
 19 deemed to have been taken or committed under the corresponding provision
 20 enacted by this Act.

21 **SEC. 6. REPEALS.**

22 The following laws are repealed, except with respect to rights and duties
 23 that matured, penalties that were incurred, or proceedings that were begun
 24 before the date of enactment of this Act:

Schedule of Laws Repealed
Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code Citations (informational)	
			Volume	Page	Former Classification	Restatement
July 29, 1958	85–568	101	72	426	42:2451 note	51:301.
		102	72	426	42:2451	51:302.
		103	72	427	42:2452	51:303.
		201	72	427	42:2471 (prior)	None.
		202	72	429	42:2472	51:311.
		203	72	429	42:2473	51:312.
		204	72	431	42:2474	None.
		205	72	432	42:2475	51:313.
		206	72	432	42:2476	51:314.
		207	42:2476a	51:315.
		208	42:2476b	None.
		303	72	433	42:2454	51:331.
		304(a)	72	433	42:2455(a)	51:332.
		304(e)	72	435	42:2456	51:333.
		304(f)	42:2456a	51:334.
		305	72	435	42:2457	51:335.
		306	72	437	42:2458	51:336.
		307	42:2458a	51:337.
		308	42:2458b	51:338.
		309	42:2458c	51:339.
		310 (formerly 307)	72	438	42:2459	51:340.
		311 (formerly 310)	42:2459b	51:341.
		312 (formerly 311)	42:2459c	51:342.
		313 (formerly 312)	42:2459f	51:343.
		315	42:2459j	51:344.
		401	42:2481	51:361.
		402	42:2482	51:362.
		403	42:2483	51:363.
		404	42:2484	51:364.
June 15, 1959	86–45	4	73	75	42:2460	51:501.

Aug. 21, 1967	90–67	6	81	170	42:2477	51:582.
Sep. 29, 1969	91–76	1	83	124	42:2461 (1st par.)	51:541(a).
		2	83	124	42:2461 (last par.)	51:541(b).
July 30, 1977	95–76	6 (1st par.)	91	315	42:2463 (1st par.)	51:513(a).
		6 (last par.)	91	315	42:2463 (last par.)	51:513(b).
Oct. 15, 1982	97–324	106(a)	96	1600	42:2464	51:551.
Dec. 5, 1985	99–170	201	99	1017	42:2466	51:561.
		202	99	1017	42:2466a	51:562.
		203	99	1017	42:2466b	51:563.
		204	99	1017	42:2466c	51:564.
Dec. 19, 1985	99–190	101(b) [title VIII, § 8111]	99	1185, 1222	42:2464a	51:552.
Oct. 30, 1987	100–147	201	101	869	42:2486 note	None.
		202	101	869	42:2486	51:701.
		203	101	869	42:2486a	51:702.
		204	101	870	42:2486b	51:703.
		205	101	871	42:2486c	51:704.
		206	101	872	42:2486d	51:705.
		207	101	873	42:2486e	51:706.
		208	101	873	42:2486f	51:707.
		209	101	874	42:2486g	51:708.
		210	101	874	42:2486h	51:709.
		211	101	875	42:2486i	51:710.
		213	101	875	42:2486k	51:711.
		214	101	875	42:2486l	None.
Aug. 19, 1988	100–404	(par. under heading “Science, Space, and Technology Education Trust Fund”)	102	1028	42:2467	51:571.
Nov. 9, 1989	101–144	(last par. on p. 863)	103	863	42:2473b (1st par.)	51:514.
		(1st complete par. on p. 864)	103	864	42:2473b (last par.)	None.
Nov. 16, 1990	101–611	112(a)	104	3198	42:2465a(a)	51:553(a).

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Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code Citations (informational)	
			Volume	Page	Former Classification	Restatement
Oct. 28, 1991	102–139	112(b)	104	3198	42:2465a(b)	None.
		112(c)	104	3199	42:2465a(c)	51:553(b).
		112(d)	104	3199	42:2465a(d)	51:553(c).
		203	104	3206	42:2465e	51:554(a).
		206	104	3207	42:2465f	51:554(b).
Oct. 28, 1991	102–139	(1st par. under heading “Administrative Provisions” on p. 771)	105	771	42:2459d	51:511.
Dec. 9, 1991	102–195	19	105	1615	42:2459e	51:512.
		20	105	1615	42:2467a	51:572.
		21(a)	105	1616	42:2473c(a)	None.
		21(b)–(h)	105	1616	42:2473c(b)–(h)	51:581.
Oct. 28, 1992	102–555	1	106	4163	15:5601 note	None.
		2	106	4163	15:5601	51:1101.
		3	106	4164	15:5602	51:1102.
		101	106	4166	15:5611	51:1111.
		102	106	4168	15:5612	51:1112.
		103	106	4168	15:5613	51:1113.
		104	106	4170	15:5614	51:1114.
		105	106	4170	15:5615	51:1115.
		201	106	4171	15:5621	51:1121.
		202	106	4172	15:5622	51:1122.
		203	106	4172	15:5623	51:1123.
		204	106	4173	15:5624	51:1124.
		205	106	4173	15:5625	51:1125.
		301	106	4174	15:5631	51:1131.
		302	106	4174	15:5632	51:1132.
		303	106	4174	15:5633	51:1133.
		401	106	4175	15:5641	51:1141.
		501	106	4176	15:5651	51:1151.

Nov. 4, 1992	102–588	502	106 4176	15:5652	51:1152.
		503	106 4177	15:5653	51:1153.
		504	106 4177	15:5654	51:1154.
		505	106 4177	15:5655	51:1155.
		506	106 4177	15:5656	51:1156.
		507	106 4178	15:5657	51:1157.
		508	106 4179	15:5658	51:1158.
		601	106 4179	15:5671	51:1171.
		602	106 4180	15:5672	51:1172.
		304	106 5120	42:2467b	51:573.
		501	106 5122	15:5801	51:1501.
		502	106 5123	15:5802	51:1502.
Oct. 28, 1998	105–303	506	106 5127	15:5805	None.
		507	106 5127	15:5806	51:1503.
		508	106 5128	15:5807	51:1504.
		510	106 5129	15:5808	51:1505.
		601	106 5130	42:2487	51:901.
		602	106 5130	42:2487a	51:902.
		603	106 5130	42:2487b	51:903.
		604	106 5131	42:2487c	51:904.
		606	106 5131	42:2487e	51:905.
		607	106 5131	42:2487f	51:906.
		608	106 5132	42:2487g	None.
		1(a)	112 2843	42:14701 note	None.
		2	112 2843	42:14701	51:1301.
		101(a)	112 2845	42:14711(a)	51:1311.
		101(b)	112 2845	42:14711(b)	None.
		104	112 2852	42:14712	51:1312.
		105	112 2852	42:14713	51:1313.
		106	112 2853	42:14714	51:1314.
		107(a), (b)	112 2853	42:14715(a), (b)	51:1315(a), (b).
		107(c)	112 2853	42:14715(c)	None.
		107(d), (e)	112 2854	42:14715(d), (e)	51:1315(e), (d).
		107(f)(1)	112 2854	42:14715, 15:5621	51:1121.
		107(f)(2)	112 2854	42:14715, 15:5622	51:1122.
		201	112 2854	42:14731	51:1331.
		202	112 2855	42:14732	51:1332.
		204(a)	112 2856	42:14733(a)	51:1333.
		204(b), (c)	112 2856	42:14733(b), (c)	None.
		205	112 2857	42:14734	51:1334.
		206	112 2857	42:14735	51:1335.

Schedule of Laws Repealed—Continued
Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code Citations (informational)	
			Volume	Page	Former Classification	Restatement
Oct. 30, 2000	106–391	126	114	1585	42:2475a	51:591.
		301	114	1591	42:2459g	51:531.
		304	114	1592	42:2459h	51:532(b).
		305	114	1592	42:2475b	51:515.
		325	114	1600	42:2473d	51:533.
Oct. 23, 2002	107–248	901	116	1573	42:14701 note	None.
		902	116	1573	42:14751	51:1352.
		903	116	1574	42:14752	51:1353.
		904	116	1576	42:14753	51:1351.
Feb. 20, 2003	108–7	(4th par. on p. 520)	117	520	42:2459i	51:502.
Dec. 12, 2003	108–176	703	117	2579	42:2473e	51:574.